



AMERICAN ORATIONS

STUDIES IN AMERICAN POLITICAL HISTORY

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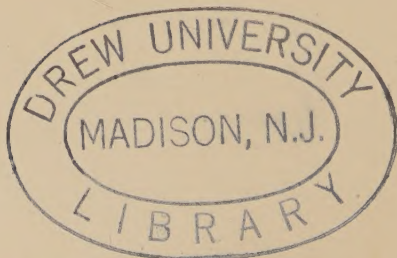
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VOLUME II.—PART I.

V.

THE ANTI-SLAVERY STRUGGLE.

(CONTINUED FROM VOLUME II.)

SALMON PORTLAND CHASE,*

OF OHIO.¹

(BORN 1808, DIED 1873.)

ON THE KANSAS-NEBRASKA BILL ; SENATE, FEBRU-
ARY 3, 1854.²

THE bill for the organization of the Territories of Nebraska and Kansas being under consideration—

Mr. CHASE submitted the following amendment :

Strike out from section 14 the words “ was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and ” ; so that the clause will read :

“ That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which is hereby declared inoperative.”

Mr. CHASE said :

* For notes on Chase, see Appendix, p. 333.

Mr. President, I had occasion, a few days ago to expose the utter groundlessness of the personal charges made by the Senator from Illinois (Mr. Douglas) against myself and the other signers of the Independent Democratic Appeal.³ I now move to strike from this bill a statement which I will to-day demonstrate to be without any foundation in fact or history. I intend afterward to move to strike out the whole clause annulling the Missouri prohibition.

I enter into this debate, Mr. President, in no spirit of personal unkindness. The issue is too grave and too momentous for the indulgence of such feelings. I see the great question before me, and that question only.

Sir, these crowded galleries, these thronged lobbies, this full attendance of the Senate, prove the deep, transcendent interest of the theme.

A few days only have elapsed since the Congress of the United States assembled in this Capitol. Then no agitation seemed to disturb the political elements. Two of the great political parties of the country, in their national conventions, had announced that slavery agitation was at an end, and that henceforth that subject was not to be discussed in Congress or out of Congress. The President, in his annual mes-

sage, had referred to this state of opinion, and had declared his fixed purpose to maintain, as far as any responsibility attached to him, the quiet of the country. Let me read a brief extract from that message :

“ It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. When the grave shall have closed over all those who are now endeavoring to meet the obligations of duty, the year 1850 will be recalled to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details and specific pro-

visions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, had given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

The agreement of the two old political parties, thus referred to by the Chief Magistrate of the country, was complete, and a large majority of the American people seemed to acquiesce in the legislation of which he spoke.

A few of us, indeed, doubted the accuracy of these statements, and the permanency of this repose. We never believed that the acts of 1850 would prove to be a permanent adjustment of the slavery question. We believed no permanent adjustment of that question possible except by a return to that original policy of the fathers of the Republic, by which slavery was restricted within State limits, and freedom, without exception or limitation, was intended to be secured to every person outside of State limits and under the exclusive jurisdiction of the General Government.

.

But, sir, we only represented a small, though vigorous and growing, party in the country. Our number was small in Congress. By some we were regarded as visionaries—by some as factionists; while almost all agreed in pronouncing us mistaken.

And so, sir, the country was at peace. As the eye swept the entire circumference of the horizon and upward to mid-heaven not a cloud appeared; to common observation there was no mist or stain upon the clearness of the sky.

But suddenly all is changed. Rattling thunder breaks from the cloudless firmament. The storm bursts forth in fury. Warring winds rush into conflict.

“Eurus, Notusque ruunt, creberque procellis
Africus.”

Yes, sir, “*creber procellis Africus*”—the South wind thick with storm. And now we find ourselves in the midst of an agitation, the end and issue of which no man can foresee.

Now, sir, who is responsible for this renewal of strife and controversy? Not we, for we have introduced no question of territorial slavery into Congress—not we who are denounced as agitators and factionists. No, sir:

the quietists and the finalists have become agitators; they who told us that all agitation was quieted, and that the resolutions of the political conventions put a final period to the discussion of slavery.

This will not escape the observation of the country. It is *Slavery* that renews the strife. It is Slavery that again wants room. It is Slavery, with its insatiate demands for more slave territory and more slave States.

And what does Slavery ask for now? Why, sir, it demands that a time-honored and sacred compact shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact, the constitutionality of which few have doubted, and by which all have consented to abide.

It will not answer to violate such a compact without a pretext. Some plausible ground must be discovered or invented for such an act; and such a ground is supposed to be found in the doctrine which was advanced the other day by the Senator from Illinois, that the compromise acts of 1850 “superseded” the prohibition of slavery north of 36° 30′, in the act preparatory for the admission of Missouri. Ay,

sir, "superseded" is the phrase—"superseded by the principles of the legislation of 1850, commonly called the compromise measures."

It is against this statement, untrue in fact, and without foundation in history, that the amendment which I have proposed is directed.

Sir, this is a novel idea. At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri compromise? The Senator from Illinois the other day invoked the authority of Henry Clay—that departed statesman, in respect to whom, whatever may be the differences of political opinion, none question that, among the great men of this country, he stood proudly eminent. Did he, in the report made by him as the chairman of the Committee of Thirteen, or in any speech in support of the compromise acts, or in any conversation in the committee, or out of the committee, ever even hint at this doctrine of supersedure? Did any

supporter or any opponent of the compromise acts ever vindicate or condemn them on the ground that the Missouri prohibition would be affected by them? Well, sir, the compromise acts were passed. They were denounced North, and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri prohibition? Did any objector to them at the North ever even suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country, ever intimated any such opinion.

Now, sir, let us come to the last session of Congress. A Nebraska bill passed the House and came to the Senate, and was reported from the Committee on Territories by the Senator from Illinois, as its chairman. Was there any provision in it which even squinted toward this notion of repeal by supersedure? Why, sir, Southern gentlemen opposed it on the very ground that it left the Territory under the operation of the Missouri prohibition. The Sen-

ator from Illinois made a speech in defence of it. Did he invoke Southern support upon the ground that it superseded the Missouri prohibition? Not at all. Was it opposed or vindicated by anybody on any such ground? Every Senator knows the contrary. The Senator from Missouri (Mr. Atchison), now the President of this body, made a speech upon the bill, in which he distinctly declared that the Missouri prohibition was not repealed, and could not be repealed.

I will send this speech to the Secretary, and ask him to read the paragraphs marked.

The Secretary read as follows :

“I will now state to the Senate the views which induced me to oppose this proposition in the early part of this session.

“I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or, at least, a very small portion of it had been. Another was the Missouri compromise, or, as it is commonly called, the slavery restriction. It was my opinion at that time—and I am not now very clear on that subject—that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the Territory of Louisiana north of $36^{\circ} 30'$, would be enforced in that Territory unless it was specially rescinded, and

whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slave-holders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory. Now, sir, I am free to admit, that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents, and the constituents of the whole South—of the slave States of the Union,—could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

“ I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years

hence."—*Congressional Globe*, Second Session, 32d Cong., vol. xxvi., page 1113.

That, sir, is the speech of the Senator from Missouri (Mr. Atchison), whose authority, I think, must go for something upon this question. What does he say? "When I came to look into that question"—of the possible repeal of the Missouri prohibition—that was the question he was looking into—"I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory." And yet, sir, at that very moment, according to this new doctrine of the Senator from Illinois, it had been repealed three years!

Well, the Senator from Missouri said further, that if he thought it possible to oppose this restriction successfully, he never would consent to the organization of the territory until it was rescinded. But, said he, "I acknowledge that I have no hope that the restriction will ever be repealed." Then he made some complaint, as other Southern gentlemen have frequently done, of the ordinance of 1787, and the Missouri prohibition; but went on to say: "They are both irremediable; there is no remedy for them; we must submit to them; I am prepared

to do it; it is evident that the Missouri compromise cannot be repealed."

Now, sir, when was this said? It was on the morning of the 4th of March, just before the close of the last session, when that Nebraska bill, reported by the Senator from Illinois, which proposed no repeal, and suggested no supersedure, was under discussion. I think, sir, that all this shows pretty clearly that up to the very close of the last session of Congress nobody had ever thought of a repeal by supersedure. Then what took place at the commencement of the present session? The Senator from Iowa,⁴ early in December, introduced a bill for the organization of the Territory of Nebraska. I believe it was the same bill which was under discussion here at the last session, line for line, word for word. If I am wrong, the Senator will correct me.

Did the Senator from Iowa, then, entertain the idea that the Missouri prohibition had been superseded? No, sir, neither he nor any other man here, so far as could be judged from any discussion, or statement, or remark, had received this notion.

Well, on the 4th day of January, the Committee on Territories, through their chairman, the

Senator from Illinois, made a report on the territorial organization of Nebraska ; and that report was accompanied by a bill. Now, sir, on that 4th day of January, just thirty days ago, did the Committee on Territories entertain the opinion that the compromise acts of 1850 superseded the Missouri prohibition? If they did, they were very careful to keep it to themselves. We will judge the committee by their own report. What do they say in that? In the first place they describe the character of the controversy, in respect to the Territories acquired from Mexico. They say that some believed that a Mexican law prohibiting slavery was in force there, while others claimed that the Mexican law became inoperative at the moment of acquisition, and that slave-holders could take their slaves into the Territory and hold them there under the provisions of the Constitution. The Territorial Compromise acts, as the committee tell us, steered clear of these questions. They simply provided that the States organized out of these Territories might come in with or without slavery, as they should elect, but did not affect the question whether slaves could or could not be introduced before the organization of State govern-

ments. That question was left entirely to judicial decision.

Well, sir, what did the committee propose to do with the Nebraska Territory? In respect to that, as in respect to the Mexican Territory, differences of opinion exist in relation to the introduction of slaves. There are Southern gentlemen who contend that notwithstanding the Missouri prohibition, they can take their slaves into the territory covered by it, and hold them there by virtue of the Constitution. On the other hand the great majority of the American people, North and South, believe the Missouri prohibition to be constitutional and effectual. Now, what did the committee propose? Did they propose to repeal the prohibition? Did they suggest that it had been superseded? Did they advance any idea of that kind? No, sir. This is their language:

“Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who

hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void, while the prevailing sentiment in a large portion of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

This language will bear repetition :

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

And they go on to say :

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in

the Territories ; so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

Mr. President, here are very remarkable facts. The Committee on Territories declared that it was not wise, that it was not prudent, that it was not right, to renew the old controversy, and to arouse agitation. They declared that they would abstain from any recommendation of a repeal of the prohibition, or of any provision declaratory of the construction of the Constitution in respect to the legal points in dispute.

Mr. President, I am not one of those who suppose that the question between Mexican law and the slave-holding claims was avoided in the Utah and New Mexico Act ; nor do I think that the introduction into the Nebraska bill of the provisions of those acts in respect to slavery would leave the question between the Missouri prohibition and the same slave-holding claims entirely unaffected.⁵ I am of a very different opinion. But I am dealing now with the report of the Senator from Illinois, as chairman of the committee, and I show, be-

yond all controversy, that that report gave no countenance whatever to the doctrine of repeal by supersedure.

Well, sir, the bill reported by the committee was printed in the *Washington Sentinel* on Saturday, January 7th. It contained twenty sections; no more, no less. It contained no provisions in respect to slavery, except those in the Utah and New Mexico bills.⁶ It left those provisions to speak for themselves. This was in harmony with the report of the committee. On the 10th of January—on Tuesday—the act appeared again in the *Sentinel*; but it had grown longer during the interval. It appeared now with twenty-one sections. There was a statement in the paper that the twenty-first section had been omitted by a clerical error.

But, sir, it is a singular fact that this twenty-first section is entirely out of harmony with the committee's report. It undertakes to determine the effect of the provision in the Utah and New Mexico bills. It declares, among other things, that all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives. This provision, in effect,

repealed the Missouri prohibition, which the committee, in their report, declared ought not to be done. Is it possible, sir, that this was a mere clerical error? May it not be that this twenty-first section was the fruit of some *Sunday work*, between Saturday the 7th, and Tuesday the 10th?

But, sir, the addition of this section, it seems, did not help the bill. It did not, I suppose, meet the approbation of Southern gentlemen, who contended that they have a right to take their slaves into the Territories, notwithstanding any prohibition, either by Congress or by a Territorial Legislature. I dare say it was found that the votes of these gentlemen could not be had for the bill with that clause in it. It was not enough that the committee had abandoned their report, and added this twenty-first section, in direct contravention of its reasonings and principles. The twenty-first section itself must be abandoned, and the repeal of the Missouri prohibition placed in a shape which would not deny the slave-holding claim.

The Senator from Kentucky (Mr. Dixon), on the 16th of January, submitted an amendment which came square up to repeal, and to the

claim. That amendment, probably, produced some fluttering and some consultation.⁷ It met the views of Southern Senators, and probably determined the shape which the bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the last to the amendment of the Senator from Kentucky. That there is no effect without a cause, is among our earliest lessons in physical philosophy, and I know of no causes which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment, and the determination of Southern Senators to support it, and to vote against any provision recognizing the right of any Territorial Legislature to prohibit the introduction of slavery.

It was just seven days, Mr. President, after the Senator from Kentucky had offered his amendment, that a fresh amendment was reported from the Committee on Territories, in the shape of a new bill, enlarged to forty sections. This new bill cuts off from the proposed Territory half a degree of latitude on the south, and divides the residue into two Territories—the southern Territory of Kansas,

and the northern Territory of Nebraska. It applies to each all the provisions of the Utah and New Mexico bills; it rejects entirely the twenty-first clerical-error section, and abrogates the Missouri prohibition by the very singular provision, which I will read :

“ The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is therefore declared inoperative.”

Doubtless, Mr. President, this provision operates as a repeal of the prohibition. The Senator from Kentucky was right when he said it was in effect the equivalent of his amendment. Those who are willing to break up and destroy the old compact of 1820 can vote for this bill with full assurance that such will be its effect. But I appeal to them not to vote for this superseding clause. I ask them not to incorporate into the legislation of the country a declaration which every one knows to be wholly untrue.

I have said that this doctrine of supersedure is new. I have now proved that it is a plant of but ten days' growth. It was never seen or heard of until the 23d day of January, 1854. It was upon that day that this tree of Upas was planted; we already see its poison fruits. * * *

The truth is, that the compromise acts of 1850 were not intended to introduce any principles of territorial organization applicable to any other Territory except that covered by them. The professed object of the friends of the compromise acts was to compose the whole slavery agitation. There were various matters of complaint. The non-surrender of fugitives from service was one. The existence of slavery and the slave-trade here in this District and elsewhere, under the exclusive jurisdiction of Congress, was another. The apprehended introduction of slavery into the Territories furnished other grounds of controversy. The slave States complained of the free States, and the free States complained of the slave States. It was supposed by some that this whole agitation might be stayed, and finally put at rest by skilfully adjusted legislation. So, sir, we had the omnibus bill, and its appendages the fugi-

tive-slave bill and the District slave-trade suppression bill. To please the North—to please the free States—California was to be admitted, and the slave depots here in the District were to be broken up. To please the slave States, a stringent fugitive-slave act was to be passed, and slavery was to have a chance to get into the new Territories. The support of the Senators and Representatives from Texas was to be gained by a liberal adjustment of boundary, and by the assumption of a large portion of their State debt. The general result contemplated was a complete and final adjustment of all questions relating to slavery. The acts passed. A number of the friends of the acts signed a compact pledging themselves to support no man for any office who would in any way renew the agitation. The country was required to acquiesce in the settlement as an absolute finality. No man concerned in carrying those measures through Congress, and least of all the distinguished man whose efforts mainly contributed to their success, ever imagined that in the Territorial acts, which formed a part of the series, they were planting the germs of a new agitation. Indeed, I have proved that one of these acts contained an express stipulation

which precludes the revival of the agitation in the form in which it is now thrust upon the country, without manifest disregard of the provisions of those acts themselves.

I have thus proved beyond controversy that the averment of the bill, which my amendment proposes to strike out, is untrue. Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the compromise acts? Will you here, acting under your high responsibility as Senators of the States, assert as a fact, by a solemn vote, that which the personal recollection of every Senator who was here during the discussion of those compromise acts disproves? I will not believe it until I see it. If you wish to break up the time-honored compact embodied in the Missouri compromise, transferred into the joint resolution for the annexation of Texas, preserved and affirmed by these compromise acts themselves,⁹ do it openly—do it boldly. Repeal the Missouri prohibition. Repeal it by a direct vote. Do not repeal it by indirection. Do not “declare” it “inoperative,” “because super-

seded by the principles of the legislation of 1850."

Mr. President, three great eras have marked the history of this country in respect to slavery. The first may be characterized as the Era of ENFRANCHISEMENT. It commenced with the earliest struggles for national independence. The spirit which inspired it animated the hearts and prompted the efforts of Washington, of Jefferson, of Patrick Henry, of Wythe, of Adams, of Jay, of Hamilton, of Morris—in short, of all the great men of our early history. All these hoped for, all these labored for, all these believed in, the final deliverance of the country from the curse of slavery. That spirit burned in the Declaration of Independence, and inspired the provisions of the Constitution, and the Ordinance of 1787. Under its influence, when in full vigor, State after State provided for the emancipation of the slaves within their limits, prior to the adoption of the Constitution. Under its feeblener influence at a later period, and during the administration of Mr. Jefferson, the importation of slaves was prohibited into Mississippi and Louisiana, in the faint hope that those Territories might finally become free States.¹⁰ Gradually that spirit ceased to influence

our public councils, and lost its control over the American heart and the American policy. Another era succeeded, but by such imperceptible gradations that the lines which separate the two cannot be traced with absolute precision. The facts of the two eras meet and mingle as the currents of confluent streams mix so imperceptibly that the observer cannot fix the spot where the meeting waters blend.

This second era was the Era of CONSERVATISM. Its great maxim was to preserve the existing condition. Men said: Let things remain as they are; let slavery stand where it is; exclude it where it is not; refrain from disturbing the public quiet by agitation; adjust all difficulties that arise, not by the application of principles, but by compromises.

It was during this period that the Senator tells us that slavery was maintained in Illinois, both while a Territory and after it became a State, in despite of the provisions of the ordinance. It is true, sir, that the slaves held in the Illinois country, under the French law, were not regarded as absolutely emancipated by the provisions of the ordinance. But full effect was given to the ordinance in excluding the introduction of slaves, and thus the Territory was preserved

from eventually becoming a slave State. The few slave-holders in the Territory of Indiana, which then included Illinois, succeeded in obtaining such an ascendancy in its affairs, that repeated applications were made not merely by conventions of delegates, but by the Territorial Legislature itself, for a suspension of the clause in the ordinance prohibiting slavery. These applications were reported upon by John Randolph, of Virginia, in the House, and by Mr. Franklin in the Senate. Both the reports were against suspension. The grounds stated by Randolph are specially worthy of being considered now. They are thus stated in the report :

“That the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.”

Sir, these reports, made in 1803 and 1807, and the action of Congress upon them, in con-

formity with their recommendation, saved Illinois, and perhaps Indiana, from becoming slave States. When the people of Illinois formed their State constitution, they incorporated into it a section providing that neither slavery nor involuntary servitude shall hereafter be introduced into this State. The constitution made provision for the continued service of the few persons who were originally held as slaves, and then bound to service under the Territorial laws, and for the freedom of their children, and thus secured the final extinction of slavery. The Senator thinks that this result is not attributable to the ordinance. I differ from him. But for the ordinance, I have no doubt slavery would have been introduced into Indiana, Illinois, and Ohio. It is something to the credit of the Era of Conservatism, uniting its influences with those of the expiring Era of Enfranchisement, that it maintained the ordinance of 1787 in the Northwest.

The Era of CONSERVATISM passed, also by imperceptible gradations, into the Era of SLAVERY PROPAGANDISM. Under the influences of this new spirit we opened the whole territory acquired from Mexico, except California, to the ingress of slavery. Every foot of

it was covered by a Mexican prohibition; and yet, by the legislation of 1850, we consented to expose it to the introduction of slaves. Some, I believe, have actually been carried into Utah and New Mexico. They may be few, perhaps, but a few are enough to affect materially the probable character of their future governments. Under the evil influences of the same spirit, we are now called upon to reverse the original policy of the Republic; to support even a solemn compact of the conservative period, and open Nebraska to slavery.

Sir, I believe that we are upon the verge of another era. That era will be the Era of REACTION. The introduction of this question here, and its discussion, will greatly hasten its advent. We, who insist upon the denationalization of slavery, and upon the absolute divorce of the General Government from all connection with it, will stand with the men who favored the compromise acts, and who yet wish to adhere to them, in their letter and in their spirit, against the repeal of the Missouri prohibition. But you may pass it here. You may send it to the other House. It may become a law. But its effect will be to satisfy all thinking men that no compromises with slavery will endure,

except so long as they serve the interests of slavery; and that there is no safe and honorable ground for non-slaveholders to stand upon, except that of restricting slavery within State limits, and excluding it absolutely from the whole sphere of Federal jurisdiction. The old questions between political parties are at rest. No great question so thoroughly possesses the public mind as this of slavery. This discussion will hasten the inevitable reorganization of parties upon the new issues which our circumstances suggest. It will light up a fire in the country which may, perhaps, consume those who kindle it. * * *

EDWARD EVERETT,*

OF MASSACHUSETTS.¹

(BORN 1794, DIED 1865.)

ON THE KANSAS-NEBRASKA BILL ; SENATE OF THE
UNITED STATES, FEBRUARY 8, 1854.²

I WILL not take up the time of the Senate by going over the somewhat embarrassing and perplexed history of the bill, from its first entry into the Senate until the present time. I will take it as it now stands, as it is printed on our tables, and with the amendment which was offered by the Senator from Illinois (Mr. Douglas) yesterday, and which, I suppose, is now printed, and on our tables ; and I will state, as briefly as I can, the difficulties which I have found in giving my support to this bill, either as it stands, or as it will stand when the amendment shall be adopted. My chief objec-

* For notes on Everett, see Appendix, p. 339.

tions are to the provisions on the subject of slavery, and especially to the exception which is contained in the 14th section, in the following words :

“ Except the 8th section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative.”

On the day before yesterday the chairman of the Committee on Territories proposed to change the words “ superseded by ” to “ inconsistent with,” as expressing more distinctly all that he meant to convey by that impression. Yesterday, however, he brought in an amendment drawn up with great skill and care, on notice given the day before, which is to strike out the words “ which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative,” and to insert in lieu of them the following :

“ Which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void;

it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

* * * * *

Now, sir, I think, in the first place, that the language of this proposed enactment, being obscure, is of somewhat doubtful import, and for that reason, unsatisfactory. I should have preferred a little more directness. What is the condition of an enactment which is declared by a subsequent act of Congress to be "inoperative and void?" Does it remain in force? I take it, not. That would be a contradiction in terms, to say that an enactment which had been declared by act of Congress inoperative and void is still in force. Then, if it is not in force, if it is not only inoperative and void, as it is to be declared, but is not in force, it is of course repealed. If it is to be repealed, why not say so? I think it would have been more direct and more parliamentary to say "shall be and is hereby repealed." Then we should know precisely, so far as legal and technical terms go, what the amount of this new legislative provision is.

If the form is somewhat objectionable, I think the substance is still more so. The amendment is to strike out the words "which was superseded by," and to insert a provision that the act of 1820 is inconsistent with the principle of congressional non-intervention, and is therefore inoperative and void. I do not quite understand how much is conveyed in this language. The Missouri restriction of 1820, it is said, is inconsistent with the principle of the legislation of 1850. If anything more is meant by "the principle" of the legislation of 1850, than the measures which were adopted at that time in reference to the territories of New Mexico and Utah—for I may assume that those are the legislative measures referred to—if anything more is meant than that a certain measure was adopted, and enacted in reference to those territories, I take issue on that point. I do not know that it could be proved that, even in reference to those territories, a *principle* was enacted at all. A certain measure, or, if you please, a course of measures, was enacted in reference to the Territories of New Mexico and Utah; but I do not know that you can call this enacting a principle. It is certainly not enacting a principle which is to carry with

it a rule for other Territories lying in other parts of the country, and in a different legal position. As to the principle of non-intervention on the part of Congress in the question of slavery, I do not find that, either as principle or as measure, it was enacted in those territorial bills of 1850. I do not, unless I have greatly misread them, find that there is anything at all which comes up to that. Every legislative act of those territorial governments must come before Congress for allowance or disallowance, and under those bills without repealing them, without departing from them in the slightest degree, it would be competent for Congress to-morrow to pass any law on that subject.

How then can it be said that the principle of non-intervention on the part of Congress in the subject of slavery was enacted and established by the compromise measures of 1850? But, whether that be so or not, how can you find, in a simple measure applying in terms to these individual Territories, and to them alone, a rule which is to govern all other Territories with a retrospective and with a prospective action? Is it not a mere begging of the question to say that those compromise measures, adopted in this specific case, amount to such a general rule?

But, let us try it in a parallel case. In the earlier land legislation of the United States, it was customary, without exception, when a Territory became a State, to require that there should be a stipulation in their State constitution that the public lands sold within their borders should be exempted from taxation for five years after the sale. This, I believe, continued to be the uniform practice down to the year 1820, when the State of Missouri was admitted. She was admitted under the stipulation. If I mistake not, the next State which was admitted into the Union—but it is not important whether it was the next or not—came in without that stipulation, and they were left free to tax the public lands the moment when they were sold. Here was a principle ; as much a principle as it is contended was established in the Utah and New Mexico territorial bill ; but did any one suppose that it acted upon the other Territories ? I believe the whole system is now abolished under the operation of general laws, and the influence of that example may have led to the change. But, until it was made by legislation, the mere fact that public lands sold in Arkansas were immediately subject to taxation, could not alter the

law in regard to the public lands sold in Missouri, or in any other State where they were exempt.

There is a case equally analogous to the very matter we are now considering—the prohibition or permission of slavery. The ordinance of 1787 prohibited slavery in the territory northwest of the Ohio. In 1790 Congress passed an act accepting the cession which the State of North Carolina had made of the western part of her territory, with the proviso, that in reference to the territory thus ceded Congress should pass no laws “tending to the emancipation of the slaves.” Here was a precisely parallel case. Here was a territory in which, in 1787, slavery was prohibited. Here was a territory ceded by North Carolina, which became the territory of the United States south of the Ohio, in reference to which it was stipulated with North Carolina, that Congress should pass no laws tending to the emancipation of slaves. But I believe it never occurred to any one that the legislation of 1790 acted back upon the ordinance of 1787, or furnished a rule by which any effect could be produced upon the state of things existing under that ordinance, in the territory to which it applied.

I certainly intend to do the distinguished chairman of the committee no injustice; and I am not sure that I fully comprehend his argument in this respect; but I think his report sustains the view which I now take of the subject: that is, that the legislation of 1850 did not establish a principle which was designed to have any such effect as he intimates. That report states how matters stood in those new Mexican territories. It was alleged on the one hand that by the Mexican *lex loci* slavery was prohibited. On the other hand that was denied, and it was maintained that the Constitution of the United States secures to every citizen the right to go there and take with him any property recognized as such by any of the States of the Union. The report considers that a similar state of things now exists in Nebraska—that the validity of the eighth section of the Missouri Act, by which slavery is prohibited in that Territory, is doubtful, and that it is maintained by many distinguished statesmen that Congress has no power to legislate on the subject. Then, in this state of the controversy, the report maintains that the legislation of Congress in 1850 did not undertake to decide these questions. Surely, if they did not under-

take to decide them, they could not settle the principle which is at stake in them ; and, unless they did decide them, the measures then adopted must be considered as specific measures, relating only to those cases, and not establishing a principle of general operation. This seems to me to be as direct and conclusive as anything can be.

At all events, these are not impressions which are put forth by me under the exigencies of the present debate or of the present occasion. I have never entertained any other opinion. I was called upon for a particular purpose, of a literary nature, to which I will presently allude more distinctly, shortly after the close of the session of 1850, to draw up a narrative of the events that had taken place relative to the passage of the compromise measures of that year. I had not, I own, the best sources of information. I was not a member of Congress, and had not heard the debates, which is almost indispensable to come to a thorough understanding of questions of this nature ; but I inquired of those who had heard them, I read the reports, and I had an opportunity of personal intercourse with some who had taken a prominent part in all those meas-

ures. I never formed the idea—I never received the intimation until I got it from this report of the committee—that those measures were intended to have any effect beyond the Territories of Utah and New Mexico, for which they were enacted. I cannot but think that if it was intended that they should have any larger application, if it was intended that they should furnish the rule which is now supposed, it would have been a fact as notorious as the light of day.

* * * * *

And now, sir, having alluded to the speech of Mr. Webster, of the 7th March, 1850, allow me to dwell upon it for a moment. I was in a position the next year—having been requested by that great and lamented man to superintend the publication of his works—to know very particularly the comparative estimate which he placed upon his own parliamentary efforts. He told me more than once that he thought his second speech on Foot's resolution was that in which he had best succeeded as a senatorial effort, and as a specimen of parliamentary dialectics; but he added, with an emotion which even he was unable to suppress, "The speech

of the 7th of March, 1850, much as I have been reviled for it, when I am dead, will be allowed to be of the greatest importance to the country." Sir, he took the greatest interest in that speech. He wished it to go forth with a specific title; and, after considerable deliberation, it was called, by his own direction, "A Speech for the Constitution and the Union." He inscribed it to the people of Massachusetts, in a dedication of the most emphatic tenderness, and he prefixed to it that motto—which you all remember—from Livy, the most appropriate and felicitous quotation, perhaps, that was ever made: "True things rather than pleasant things"—*Vera progratis*: and with that he sent it forth to the world.

In that speech his gigantic intellect brought together all that it could gather from the law of nature, from the Constitution of the United States, from our past legislation, and from the physical features of the region, to strengthen him in that plan of conciliation and peace, in which he feared that he might not carry along with him the public sentiment of the whole of that portion of the country which he particularly represented here. At its close, when he dilated upon the disastrous effects of separa-

tion, he rose to a strain of impassioned eloquence which had never been surpassed within these walls. Every topic, every argument, every fact, was brought to bear upon the point ; and he felt that all his vast popularity was at stake on the issue. Let me commend to the attention of Senators, and let me ask them to consider what weight is due to the authority of such a man, speaking under such circumstances, and on such an occasion, when he tells you that the condition of every foot of land in the country, for slavery or non-slavery, is fixed by some irrepealable law. And you are now about to repeal the principal law which ascertained and fixed that condition. And, sir, if the Senate will take any heed of the opinion of one so humble as myself, I will say that I believe Mr. Webster, in that speech, went to the very verge of the public sentiment in the non-slaveholding States, and that to have gone a hair's-breadth further, would have been a step too bold even for his great weight of character.

* * * * *

I conclude, therefore, sir, that the compromise measures of 1850 ended where they began, with the Territories of Utah and New

Mexico, to which they specifically referred ; at any rate, that they established no principle which was to govern in other cases ; that they had no prospective action to the organization of territories in all future time ; and certainly no retrospective action upon lands subject to the restriction of 1820, and to the positive enactment that you now propose to declare inoperative and void.

I trust that nothing which I have now said will be taken in derogation of the compromises of 1850. I adhere to them ; I stand by them. I do so for many reasons. One is respect for the memory of the great men who were the authors of them—lights and ornaments of the country, but now taken from its service. I would not so soon, if it were in my power, undo their work, if for no other reason. But beside this, I am one of those—I am not ashamed to avow it—who believed at that time, and who still believe, that at that period the union of these States was in great danger, and that the adoption of the compromise measures of 1850 contributed materially to avert that danger ; and therefore, sir, I say, as well out of respect to the memory of the great men who were the authors of them, as to the

healing effect of the measures themselves, I would adhere to them. They are not perfect. I suppose that nobody, either North or South, thinks them perfect. They contain some provisions not satisfactory to the South, and other provisions contrary to the public sentiment of the North; but I believed at the time they were the wisest, the best, the most effective measures which, under the circumstances, could be adopted. But you do not strengthen them, you do not show your respect for them, by giving them an application which they were never intended to bear.

* * * * *

A single word, sir, in respect to this supposed principle of non-intervention on the part of Congress in the subject of slavery in the territories. I confess I am surprised to find this brought forward, and stated with so much confidence, as an established principle of the Government. I know that distinguished gentlemen hold the opinion. The very distinguished Senator from Michigan (Mr. Cass) holds it, and has propounded it; and I pay all due respect and deference to his authority, which I conceive to be very high. But I was not aware

that any such principle was considered a settled principle of the territorial policy of this country. Why, sir, from the first enactment in 1789, down to the bill before us, there is no such principle in our legislation. As far as I can see it would be perfectly competent even now for Congress to pass any law that they pleased on the subject in the Territories under this bill. But however that may be, even by this bill, there is not a law which the Territories can pass, admitting or excluding slavery, which it is not in the power of this Congress to disallow the next day. This is not a mere *brutum fulmen*. It is not an unexpected power. Your statute-book shows case after case. I believe, in reference to a single Territory, that there have been fifteen or twenty cases where territorial legislation has been disallowed by Congress. How, then, can it be said that this principle of non-intervention in the government of the Territories is now to be recognized as an established principle in the public policy of the Congress of the United States?

Do gentlemen recollect the terms, almost of disdain, with which this supposed established principle of our constitutional policy is treated in that last valedictory speech of Mr. Calhoun,

which, unable to pronounce it himself, he was obliged to give to the Senate through the medium of his friend, the Senator from Virginia.⁷ He reminded the Senate that the occupants of a Territory were not even called *the people*—but simply the *inhabitants*—till they were allowed by Congress to call a convention and form a State constitution.

* * * * *

A word more, sir, and I have done. With reference to the great question of slavery—that terrible question—the only one on which the North and South of this great Republic differ irreconcilably—I have not, on this occasion, a word to say. My humble career is drawing near its close,⁸ and I shall end it as I began, with using no other words on that subject than those of moderation, conciliation, and harmony between the two great sections of the country. I blame no one who differs from me in this respect. I allot to others, what I claim for myself, the credit of honesty and purity of motive. But for my own part, the rule of my life, as far as circumstances have enabled me to act up to it, has been, to say nothing that would tend to kindle unkind feeling on this

subject. I have never known men on this, or any other subject, to be convinced by harsh epithets or denunciation.

I believe the union of these States is the greatest possible blessing—that it comprises within itself all other blessings, political, national, and social; and I trust that my eyes may close long before the day shall come—if it ever shall come—when that Union shall be at an end. Sir, I share the opinions and the sentiments of the part of the country where I was born and educated, where my ashes will be laid, and where my children will succeed me. But in relation to my fellow-citizens in other parts of the country, I will treat their constitutional and their legal rights with respect, and their characters and their feelings with tenderness. I believe them to be as good Christians, as good patriots, as good men, as we are, and I claim that we, in our turn, are as good as they.¹⁰

I rejoiced to hear my friend from Kentucky, (Mr. Dixon), if he will allow me to call him so—I concur most heartily in the sentiment—utter the opinion that a wise and gracious Providence, in his own good time, will find the ways and the channels to remove from the land

what I consider this great evil, but I do not expect that what has been done in three centuries and a half is to be undone in a day or a year, or a few years; and I believe that, in the mean time, the desired end will be retarded rather than promoted by passionate sectional agitation. I believe, further, that the fate of the great and interesting continent in the elder world, Africa, is closely intertwined and wrapped up with the fortunes of her children in all the parts of the earth to which they have been dispersed, and that at some future time, which is already in fact beginning, they will go back to the land of their fathers, the voluntary missionaries of Civilization and Christianity; and finally, sir, I doubt not that in His own good time the Ruler of all will vindicate the most glorious of His prerogatives, "From seeming evil still educing good."

STEPHEN ARNOLD DOUGLAS,*
OF ILLINOIS.¹

(BORN 1813, DIED 1861.)

ON THE KANSAS-NEBRASKA BILL ; SENATE,
MARCH 3, 1854.²

IT has been urged in debate that there is no necessity for these Territorial organizations; and I have been called upon to point out any public and national considerations which require action at this time. Senators seem to forget that our immense and valuable possessions on the Pacific are separated from the States and organized Territories on this side of the Rocky Mountains by a vast wilderness, filled by hostile savages—that nearly a hundred thousand emigrants pass through this barbarous wilderness every year, on their way to California and Oregon—that these emigrants are American citizens, our own constituents, who are entitled to the protection of law and government, and that they are left to make their way, as best

* For notes on Douglas, see Appendix, p. 345.

they may, without the protection or aid of law or government. The United States mails for New Mexico and Utah, and official communications between this Government and the authorities of those Territories, are required to be carried over these wild plains, and through the gorges of the mountains, where you have made no provisions for roads, bridges, or ferries to facilitate travel, or forts or other means of safety to protect life. As often as I have brought forward and urged the adoption of measures to remedy these evils, and afford security against the damages to which our people are constantly exposed, they have been promptly voted down as not being of sufficient importance to command the favorable consideration of Congress. Now, when I propose to organize the Territories, and allow the people to do for themselves what you have so often refused to do for them, I am told that there are not white inhabitants enough permanently settled in the country to require and sustain a government. True ; there is not a very large population there, for the very reason that your Indian code and intercourse laws exclude the settlers, and forbid their remaining there to cultivate the soil. You refuse to throw the country open to set-

tlers, and then object to the organization of the Territories, upon the ground that there is not a sufficient number of inhabitants. * * *

I will now proceed to the consideration of the great principle involved in the bill, without omitting, however, to notice some of those extraneous matters which have been brought into this discussion with the view of producing another anti-slavery agitation. We have been told by nearly every Senator who has spoken in opposition to this bill, that at the time of its introduction the people were in a state of profound quiet and repose, that the anti-slavery agitation had entirely ceased, and that the whole country was acquiescing cheerfully and cordially in the compromise measures of 1850 as a final adjustment of this vexed question. Sir, it is truly refreshing to hear Senators, who contested every inch of ground in opposition to those measures, when they were under discussion, who predicted all manner of evils and calamities from their adoption, and who raised the cry of appeal, and even resistance, to their execution, after they had become the laws of the land—I say it is really refreshing to hear these same Senators now bear their united testimony to the wisdom of those measures, and

to the patriotic motives which induced us to pass them in defiance of their threats and resistance, and to their beneficial effects in restoring peace, harmony, and fraternity to a distracted country. These are precious confessions from the lips of those who stand pledged never to assent to the propriety of those measures, and to make war upon them, so long as they shall remain upon the statute-book. I well understand that these confessions are now made, not with the view of yielding their assent to the propriety of carrying those enactments into faithful execution, but for the purpose of having a pretext for charging upon me, as the author of this bill, the responsibility of an agitation which they are striving to produce. They say that I, and not they, have revived the agitation. What have I done to render me obnoxious to this charge? They say that I wrote and introduced this Nebraska bill. That is true; but I was not a volunteer in the transaction. The Senate, by a unanimous vote, appointed me chairman of the Territorial Committee, and associated five intelligent and patriotic Senators with me, and thus made it our duty to take charge of all Territorial business. In like manner, and with the concurrence

of these complaining Senators, the Senate referred to us a distinct proposition to organize this Nebraska Territory, and required us to report specifically upon the question. I repeat, then, we were not volunteers in this business. The duty was imposed upon us by the Senate. We were not unmindful of the delicacy and responsibility of the position. We were aware that, from 1820 to 1850, the abolition doctrine of Congressional interference with slavery in the Territories and new States had so far prevailed as to keep up an incessant slavery agitation in Congress, and throughout the country, whenever any new Territory was to be acquired or organized. We were also aware that, in 1850, the right of the people to decide this question for themselves, subject only to the Constitution, was submitted for the doctrine of Congressional intervention. This first question, therefore, which the committee were called upon to decide, and indeed the only question of any material importance in framing this bill, was this: Shall we adhere to and carry out the principle recognized by the compromise measures of 1850, or shall we go back to the old exploded doctrine of Congressional interference, as established in 1820, in a large portion of the country,

and which it was the object of the Wilmot proviso to give a universal application, not only to all the territory which we then possessed, but all which we might hereafter acquire? There are no alternatives. We were compelled to frame the bill upon the one or the other of these two principles. The doctrine of 1820 or the doctrine of 1850 must prevail. In the discharge of the duty imposed upon us by the Senate, the committee could not hesitate upon this point, whether we consulted our own individual opinions and principles, or those which were known to be entertained and boldly avowed by a large majority of the Senate. The two great political parties of the country stood solemnly pledged before the world to adhere to the compromise measures of 1850, "in principle and substance." A large majority of the Senate—indeed, every member of the body, I believe, except the two avowed Abolitionists (Mr. Chase and Mr. Sumner)—profess to belong to one or the other of these parties, and hence were supposed to be under a high moral obligation to carry out "the principle and substance" of those measures in all new Territorial organizations. The report of the committee was in accordance with this obliga-

tion. I am arraigned, therefore, for having endeavored to represent the opinions and principles of the Senate truly—for having performed my duty in conformity with parliamentary law—for having been faithful to the trust imposed in me by the Senate. Let the vote this night determine whether I have thus faithfully represented your opinions. When a majority of the Senate shall have passed the bill—when the majority of the States shall have endorsed it through their representatives upon this floor—when a majority of the South and a majority of the North shall have sanctioned it—when a majority of the Whig party and a majority of the Democratic party shall have voted for it—when each of these propositions shall be demonstrated by the vote this night on the final passage of the bill, I shall be willing to submit the question to the country, whether, as the organ of the committee, I performed my duty in the report and bill which have called down upon my head so much denunciation and abuse.

Mr. President, the opponents of this measure have had much to say about the mutations and modifications which this bill has undergone since it was first introduced by myself, and

about the alleged departure of the bill, in its present form, from the principle laid down in the original report of the committee as a rule of action in all future Territorial organizations. Fortunately there is no necessity, even if your patience would tolerate such a course of argument at this late hour of the night, for me to examine these speeches in detail, and reply to each charge separately. Each speaker seems to have followed faithfully in the footsteps of his leader in the path marked out by the Abolition confederates in their manifesto, which I took occasion to expose on a former occasion.⁴ You have seen them on their winding way, meandering the narrow and crooked path in Indian file, each treading close upon the heels of the other, and neither venturing to take a step to the right or left, or to occupy one inch of ground which did not bear the footprint of the Abolition champion. To answer one, therefore, is to answer the whole. The statement to which they seem to attach the most importance, and which they have repeated oftener, perhaps, than any other, is, that, pending the compromise measures of 1850, no man in or out of Congress ever dreamed of abrogating the Missouri compromise; that from that

period down to the present session nobody supposed that its validity had been impaired, or any thing done which rendered it obligatory upon us to make it inoperative hereafter; that at the time of submitting the report and bill to the Senate, on the fourth of January last, neither I nor any member of the committee ever thought of such a thing; and that we could never be brought to the point of abrogating the eighth section of the Missouri act until after the Senator from Kentucky introduced his amendment to my bill.

Mr. President, before I proceed to expose the many misrepresentations contained in this complicated charge, I must call the attention of the Senate to the false issue which these gentlemen are endeavoring to impose upon the country, for the purpose of diverting public attention from the real issue contained in the bill. They wish to have the people believe that the abrogation of what they call the Missouri compromise was the main object and aim of the bill, and that the only question involved is, whether the prohibition of slavery north of $36^{\circ} 30'$ shall be repealed or not?^s That which is a mere incident they choose to consider the principle. They make war on the means by

which we propose to accomplish an object, instead of openly resisting the object itself. The principle which we propose to carry into effect by the bill is this: That *Congress shall neither legislate slavery into any Territories or State, nor out of the same; but the people shall be left free to regulate their domestic concerns in their own way, subject only to the Constitution of the United States.*

In order to carry this principle into practical operation, it becomes necessary to remove whatever legal obstacles might be found in the way of its free exercise. It is only for the purpose of carrying out this great fundamental principle of self-government that the bill renders the eighth section of the Missouri act inoperative and void.

Now, let me ask, will these Senators who have arraigned me, or any one of them, have the assurance to rise in his place and declare that this great principle was never thought of or advocated as applicable to Territorial bills, in 1850; ⁶ that from that session until the present, nobody ever thought of incorporating this principle in all new Territorial organizations; that the Committee on Territories did not recommend it in their report; and that it required the amend-

ment of the Senator from Kentucky to bring us up to that point? Will any one of my accusers dare to make this issue, and let it be tried by the record? I will begin with the compromises of 1850. Any Senator who will take the trouble to examine our journals, will find that on the 25th of March of that year I reported from the Committee on Territories two bills including the following measures; the admission of California, a Territorial government for New Mexico, and the adjustment of the Texas boundary. These bills proposed to leave the people of Utah and New Mexico free to decide the slavery question for themselves, *in the precise language of the Nebraska bill now under discussion.* A few weeks afterward the committee of thirteen took those two bills and put a wafer between them, and reported them back to the Senate as one bill, with some slight amendments. One of these amendments was, that the Territorial Legislatures should not legislate upon the subject of African slavery. I objected to that provision upon the ground that it subverted the great principle of self-government upon which the bill had been originally framed by the Territorial Committee. On the first trial, the Senate refused to strike

it out, but subsequently did so, after full debate, in order to establish that principle as the rule of action in Territorial organizations. * * *⁷ But my accusers attempt to raise up a false issue, and thereby divert public attention from the real one, by the cry that the Missouri compromise is to be repealed or violated by the passage of this bill. Well, if the eighth section of the Missouri act, which attempted to fix the destinies of future generations in those Territories for all time to come, in utter disregard of the rights and wishes of the people when they should be received into the Union as States, be inconsistent with the great principles of self-government and the Constitution of the United States, it ought to be abrogated. The legislation of 1850 abrogated the Missouri compromise, so far as the country embraced within the limits of Utah and New Mexico was covered by the slavery restriction.⁸ It is true, that those acts did not in terms and by name repeal the act of 1820, as originally adopted, or as extended by the resolutions annexing Texas in 1845, any more than the report of the Committee on Territories proposed to repeal the same acts this session. But the acts of 1850 did authorize the people of those Territories to exercise "all right-

ful powers of legislation consistent with the Constitution," not excepting the question of slavery; and did provide that, when those Territories should be admitted into the Union, they should be received with or without slavery as the people thereof might determine at the date of their admission. These provisions were in direct conflict with a clause in the former enactment, declaring that slavery should be forever prohibited in any portion of said Territories, and hence rendered such clause inoperative and void to the extent of such conflict. This was an inevitable consequence, resulting from the provisions in those acts, which gave the people the right to decide the slavery question for themselves, in conformity with the Constitution. It was not necessary to go further and declare that certain previous enactments, which were incompatible with the exercise of the powers conferred in the bills, are hereby repealed. The very act of granting those powers and rights has the legal effect of removing all obstructions to the exercise of them by the people, as prescribed in those Territorial bills. Following that example, the Committee on Territories did not consider it necessary to declare the eighth section of the

Missouri act repealed. We were content to organize Nebraska in the precise language of the Utah and New Mexico bills. Our object was to leave the people entirely free to form and regulate their domestic institutions and internal concerns in their own way, under the Constitution; and we deemed it wise to accomplish that object in the exact terms in which the same thing had been done in Utah and New Mexico by the acts of 1850. This was the principle upon which the committee voted; and our bill was supposed, and is now believed, to have been in accordance with it. When doubts were raised whether the bill did fully carry out the principle laid down in the report, amendments were made from time to time, in order to avoid all misconstruction, and make the true intent of the act more explicit. The last of these amendments was adopted yesterday, on the motion of the distinguished Senator from North Carolina (Mr. Badger), in regard to the revival of any laws or regulations which may have existed prior to 1820.⁹ That amendment was not intended to change the legal effect of the bill. Its object was to repel the slander which had been propagated by the enemies of the measure in the North—

that the Southern supporters of the bill desired to legislate slavery into these Territories. The South denies the right of Congress either to legislate slavery into any Territory or State, or out of any Territory or State. Non-intervention by Congress with slavery in the States or Territories is the doctrine of the bill, and all the amendments which have been agreed to have been made with the view of removing all doubt and cavil as to the true meaning and object of the measure. * * *¹⁰

Well, sir, what is this Missouri compromise, of which we have heard so much of late? It has been read so often that it is not necessary to occupy the time of the Senate in reading it again. It was an act of Congress, passed on the 6th of March, 1820, to authorize the people of Missouri to form a constitution and a State government, preparatory to the admission of such State into the Union. The first section provided that Missouri should be received into the Union "on an equal footing with the original States in all respects whatsoever." The last and eighth section provided that slavery should be "forever prohibited" in all the territory which had been acquired from France north of $36^{\circ} 30'$, and not included

within the limits of the State of Missouri. There is nothing in the terms of the law that purports to be a compact, or indicates that it was any thing more than an ordinary act of legislation. To prove that it was more than it purports to be on its face, gentlemen must produce other evidence, and prove that there was such an understanding as to create a moral obligation in the nature of a compact. Have they shown it?

Now, if this was a compact, let us see how it was entered into. The bill originated in the House of Representatives, and passed that body without a Southern vote in its favor. It is proper to remark, however, that it did not at that time contain the eighth section, prohibiting slavery in the Territories; but in lieu of it, contained a provision prohibiting slavery in the proposed State of Missouri. In the Senate, the clause prohibiting slavery in the State was stricken out, and the eighth section added to the end of the bill, by the terms of which slavery was to be forever prohibited in the territory not embraced in the State of Missouri north of $36^{\circ} 30'$. The vote on adding this section stood in the Senate, 34 in the affirmative, and 10 in the negative. Of the

Northern Senators, 20 voted for it, and 2 against it. On the question of ordering the bill to a third reading as amended, which was the test vote on its passage, the vote stood 24 yeas and 20 nays. Of the Northern Senators, 4 only voted in the affirmative, and 18 in the negative. Thus it will be seen that if it was intended to be a compact, the North never agreed to it. The Northern Senators voted to insert the prohibition of slavery in the Territories; and then, in the proportion of more than four to one, voted against the passage of the bill. The North, therefore, never signed the compact, never consented to it, never agreed to be bound by it. This fact becomes very important in vindicating the character of the North for repudiating this alleged compromise a few months afterward.¹¹ The act was approved and became a law on the 6th of March, 1820. In the summer of that year, the people of Missouri formed a constitution and State government preparatory to admission into the Union in conformity with the act. At the next session of Congress the Senate passed a joint resolution declaring Missouri to be one of the States of the Union, on an equal footing with the original States. This resolution was

sent to the House of Representatives, where it was rejected by Northern votes, and thus Missouri was voted out of the Union, instead of being received into the Union under the act of the 6th of March, 1820, now known as the Missouri compromise. Now, sir, what becomes of our plighted faith, if the act of the 6th of March, 1820, was a solemn compact, as we are now told? They have all rung the changes upon it, that it was a sacred and irrevocable compact, binding in honor, in conscience, and morals, which could not be violated or repudiated without perfidy and dishonor!¹² * * * Sir, if this was a compact, what must be thought of those who violated it almost immediately after it was formed? I say it is a calumny upon the North to say that it was a compact. I should feel a flush of shame upon my cheek, as a Northern man, if I were to say that it was a compact, and that the section of the country to which I belong received the consideration, and then repudiated the obligation in eleven months after it was entered into. I deny that it was a compact, in any sense of the term. But if it was, the record proves that faith was not observed—that the contract was never carried into effect—that after the North had procured the passage

of the act prohibiting slavery in the Territories, with a majority in the House large enough to prevent its repeal, Missouri was refused admission into the Union as a slave-holding State, in conformity with the act of March 6, 1820. If the proposition be correct, as contended for by the opponents of this bill—that there was a solemn compact between the North and the South that, in consideration of the prohibition of slavery in the Territories, Missouri was to be admitted into the Union, in conformity with the act of 1820—that compact was repudiated by the North, and rescinded by the joint action of the two parties within twelve months from its date. Missouri was never admitted under the act of the 6th of March, 1820. She was refused admission under that act. She was voted out of the Union by Northern votes, notwithstanding the stipulation that she should be received; and, in consequence of these facts, a new compromise was rendered necessary, by the terms of which Missouri was to be admitted into the Union conditionally—admitted on a condition not embraced in the act of 1820, and, in addition, to a full compliance with all the provisions of said act. If, then, the act of 1820, by the eighth section of which slavery

was prohibited in Missouri, was a compact, it is clear to the comprehension of every fair-minded man that the refusal of the North to admit Missouri, in compliance with its stipulations, and without further conditions, imposes upon us a high, moral obligation to remove the prohibition of slavery in the Territories, since it has been shown to have been procured upon a condition never performed. * * *¹³

Mr. President, I did not wish to refer to these things. I did not understand them fully in all their bearings at the time I made my first speech on this subject; and, so far as I was familiar with them, I made as little reference to them as was consistent with my duty; because it was a mortifying reflection to me, as a Northern man, that we had not been able, in consequence of the abolition excitement at the time, to avoid the appearance of bad faith in the observance of legislation, which has been denominated a compromise. There were a few men then, as there are now, who had the moral courage to perform their duty to the country and the Constitution, regardless of consequences personal to themselves. There were ten Northern men who dared to perform their duty by voting to admit Missouri into the

Union on an equal footing with the original States, and with no other restriction than that imposed by the Constitution. I am aware that they were abused and denounced as we are now—that they were branded as dough-faces—traitors to freedom, and to the section of country whence they came. * * *

I think I have shown that if the act of 1820, called the Missouri compromise, was a compact, it was violated and repudiated by a solemn vote of the House of Representatives in 1821, within eleven months after it was adopted. It was repudiated by the North by a majority vote, and that repudiation was so complete and successful as to compel Missouri to make a new compromise, and she was brought into the Union under the new compromise of 1821, and not under the act of 1820. This reminds me of another point made in nearly all the speeches against this bill, and, if I recollect right, was alluded to in the abolition manifesto ; to which, I regret to say, I had occasion to refer so often. I refer to the significant hint that Mr. Clay was dead before any one dared to bring forward a proposition to undo the greatest work of his hands. The Senator from New York (Mr. Seward) has seized upon this insinuation and

elaborated, perhaps, more fully than his compeers; and now the Abolition press, suddenly, and, as if by miraculous conversion, teems with eulogies upon Mr. Clay and his Missouri compromise of 1820.

Now, Mr. President, does not each of these Senators know that Mr. Clay was not the author of the act of 1820? Do they not know that he disclaimed it in 1850 in this body? Do they not know that the Missouri restriction did not originate in the House, of which he was a member? Do they not know that Mr. Clay never came into the Missouri controversy as a compromiser until after the compromise of 1820 was repudiated, and it became necessary to make another? I dislike to be compelled to repeat what I have conclusively proven, that the compromise which Mr. Clay effected was the act of 1821, under which Missouri came into the Union, and not the act of 1820. Mr. Clay made that compromise after you had repudiated the first one. How, then, dare you call upon the spirit of that great and gallant statesman to sanction your charge of bad faith against the South on this question? * * *¹⁶

Now, Mr. President, as I have been doing justice to Mr. Clay on this question, perhaps I

may as well do justice to another great man, who was associated with him in carrying through the great measures of 1850, which mortified the Senator from New York so much, because they defeated his purpose of carrying on the agitation. I allude to Mr. Webster. The authority of his great name has been quoted for the purpose of proving that he regarded the Missouri act as a compact, an irrepealable compact. Evidently the distinguished Senator from Massachusetts (Mr. Everett) supposed he was doing Mr. Webster entire justice when he quoted the passage which he read from Mr. Webster's speech of the 7th of March, 1850, when he said that he stood upon the position that every part of the American continent was fixed for freedom or for slavery by irrepealable law.¹⁶ The Senator says that by the expression "irrepealable law," Mr. Webster meant to include the compromise of 1820. Now, I will show that that was not Mr. Webster's meaning—that he was never guilty of the mistake of saying that the Missouri act of 1820 was an irrepealable law. Mr. Webster said in that speech that every foot of territory in the United States was fixed as to its character for freedom or slavery by an irrepealable law. He

then inquired if it was not so in regard to Texas? He went on to prove that it was; because, he said, there was a compact in express terms between Texas and the United States. He said the parties were capable of contracting and that there was a valuable consideration; and hence, he contended, that in that case there was a contract binding in honor and morals and law; and that it was irrevocable without a breach of faith.

He went on to say:

“Now, as to California and New Mexico, I hold slavery to be excluded from these Territories by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth.”

That was the irrevocable law which he said prohibited slavery in the Territories of Utah and New Mexico. He went on to speak of the prohibition of slavery in Oregon, and he said it was an “entirely useless and, in that connection, senseless proviso.”

He went further, and said:

“That the whole territory of the States of the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law,

which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, *under one or other of these laws*, every foot of territory in the States or in the Territories has now received a fixed and decided character."

What irrepealable laws? "One or the other" of those which he had stated. One was the Texas compact; the other, the law of nature and physical geography; and he contended that one or the other fixed the character of the whole American continent for freedom or for slavery. He never alluded to the Missouri compromise, unless it was by the allusion to the Wilmot proviso in the Oregon bill, and therein said it was a useless and, in that connection, senseless thing. Why was it a useless and senseless thing? Because it was re-enacting the law of God; because slavery had already been prohibited by physical geography. Sir, that was the meaning of Mr. Webster's speech. * * *¹⁷

Mr. President, I have occupied a good deal of time in exposing the cant of these gentlemen about the sanctity of the Missouri compromise, and the dishonor attached to the violation of plighted faith. I have exposed these

matters in order to show that the object of these men is to withdraw from public attention the real principle involved in the bill. They well know that the abrogation of the Missouri compromise is the incident and not the principle of the bill. They well understand that the report of the committee and the bill propose to establish the principle in all Territorial organizations, that the question of slavery shall be referred to the people to regulate for themselves, and that such legislation should be had as was necessary to remove all legal obstructions to the free exercise of this right by the people. The eighth section of the Missouri act standing in the way of this great principle must be rendered inoperative and void, whether expressly repealed or not, in order to give the people the power of regulating their own domestic institutions in their own way, subject only to the Constitution.

Now, sir, if these gentlemen have entire confidence in the correctness of their own position, why do they not meet the issue boldly and fairly, and controvert the soundness of this great principle of popular sovereignty in obedience to the Constitution? They know full well that this was the principle upon which the colo-

nies separated from the crown of Great Britain, the principle upon which the battles of the Revolution were fought, and the principle upon which our republican system was founded. They cannot be ignorant of the fact that the Revolution grew out of the assertion of the right on the part of the imperial Government to interfere with the internal affairs and domestic concerns of the colonies. * * *

The Declaration of Independence had its origin in the violation of that great fundamental principle which secured to the colonies the right to regulate their own domestic affairs in their own way; and the Revolution resulted in the triumph of that principle, and the recognition of the right asserted by it. Abolitionism proposes to destroy the right and extinguish the principle for which our forefathers waged a seven years' bloody war, and upon which our whole system of free government is founded. They not only deny the application of this principle to the Territories, but insist upon fastening the prohibition upon all the States to be formed out of those Territories. Therefore, the doctrine of the Abolitionists—the doctrine of the opponents of the Nebraska and Kansas bill, and the advocates of the Missouri restric-

tion—demands Congressional interference with slavery not only in the Territories, but in all the new States to be formed therefrom. It is the same doctrine, when applied to the Territories and new States of this Union, which the British Government attempted to enforce by the sword upon the American colonies.¹⁹ It is this fundamental principle of self-government which constitutes the distinguishing feature of the Nebraska bill. The opponents of the principle are consistent in opposing the bill. I do not blame them for their opposition. I only ask them to meet the issue fairly and openly, by acknowledging that they are opposed to the principle which it is the object of the bill to carry into operation. It seems that there is no power on earth, no intellectual power, no mechanical power, that can bring them to a fair discussion of the true issue. If they hope to delude the people and escape detection for any considerable length of time under the catch-words “Missouri compromise” and “faith of compacts,” they will find that the people of this country have more penetration and intelligence than they have given them credit for.

Mr. President, there is an important fact connected with this slavery regulation, which should

never be lost sight of. It has always arisen from one and the same cause. Whenever that cause has been removed, the agitation has ceased ; and whenever the cause has been renewed, the agitation has sprung into existence. That cause is, and ever has been, the attempt on the part of Congress to interfere with the question of slavery in the Territories and new States formed therefrom. Is it not wise then to confine our action within the sphere of our legitimate duties, and leave this vexed question to take care of itself in each State and Territory, according to the wishes of the people thereof, in conformity to the forms, and in subjection to the provisions, of the Constitution ?

The opponents of the bill tell us that agitation is no part of their policy ; that their great desire is peace and harmony ; and they complain bitterly that I should have disturbed the repose of the country by the introduction of this measure ! Let me ask these professed friends of peace, and avowed enemies of agitation, how the issue could have been avoided. They tell me that I should have let the question alone ; that is, that I should have left Nebraska unorganized, the people unprotected, and the Indian barrier in existence, until the

swelling tide of emigration should burst through, and accomplish by violence what it is the part of wisdom and statesmanship to direct and regulate by law.²⁰ How long could you have postponed action with safety? How long could you maintain that Indian barrier, and restrain the onward march of civilization, Christianity, and free government by a barbarian wall? Do you suppose that you could keep that vast country a howling wilderness in all time to come, roamed over by hostile savages, cutting off all safe communication between our Atlantic and Pacific possessions? I tell you that the time for action has come, and cannot be postponed. It is a case in which the "let-alone" policy would precipitate a crisis which must inevitably result in violence, anarchy, and strife.

You cannot fix bounds to the onward march of this great and growing country. You cannot fetter the limbs of the young giant. He will burst all your chains. He will expand, and grow, and increase, and extend civilization, Christianity, and liberal principles. Then, sir, if you cannot check the growth of the country in that direction, is it not the part of wisdom to look the danger in the face, and provide for an event

which you cannot avoid? I tell you, sir, you must provide for lines of continuous settlement from the Mississippi valley to the Pacific ocean. And in making this provision, you must decide upon what principles the Territories shall be organized; in other words, whether the people shall be allowed to regulate their domestic institutions in their own way, according to the provisions of this bill, or whether the opposite doctrine of Congressional interference is to prevail. Postpone it, if you will; but whenever you do act, this question must be met and decided.

The Missouri compromise was interference; the compromise of 1850 was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories were compelled to act on this subject. I, as their chairman, was bound to meet the question. I chose to take the responsibility regardless of consequences personal to myself. I should have done the same thing last year, if there had been time; but we know, considering the late period at which the bill then reached us from the House, that there was not sufficient time to consider the question fully, and to prepare a report upon the subject.

I was, therefore, persuaded by my friends to allow the bill to be reported to the Senate, in order that such action might be taken as should be deemed wise and proper. The bill was never taken up for action—the last night of the session having been exhausted in debate on a motion to take up the bill. This session, the measure was introduced by my friend from Iowa (Mr. Dodge), and referred to the Territorial Committee during the first week of the session. We have abundance of time to consider the subject; it is a matter of pressing necessity, and there was no excuse for not meeting it directly and fairly. We were compelled to take our position upon the doctrine either of intervention or non-intervention. We chose the latter for two reasons: first, because we believed that the principle was right; and, second, because it was the principle adopted in 1850, to which the two great political parties of the country were solemnly pledged.

There is another reason why I desire to see this principle recognized as a rule of action in all time to come. It will have the effect to destroy all sectional parties and sectional agitations." If, in the language of the report of the committee, you withdraw the slavery question

from the halls of Congress and the political arena, and commit it to the arbitrament of those who are immediately interested in and alone responsible for its consequences, there is nothing left out of which sectional parties can be organized. It never was done, and never can be done on the bank, tariff, distribution, or any party issue which has existed, or may exist, after this slavery question is withdrawn from politics. On every other political question these have always supporters and opponents in every portion of the Union—in each State, county, village, and neighborhood—residing together in harmony and good fellowship, and combating each other's opinions and correcting each other's errors in a spirit of kindness and friendship. These differences of opinion between neighbors and friends, and the discussions that grow out of them, and the sympathy which each feels with the advocates of his own opinions in every portion of this widespread Republic, add an overwhelming and irresistible moral weight to the strength of the Confederacy. Affection for the Union can never be alienated or diminished by any other party issues than those which are joined upon sectional or geographical lines. When the people of the

North shall all be rallied under one banner, and the whole South marshalled under another banner, and each section excited to frenzy and madness by hostility to the institutions of the other, then the patriot may well tremble for the perpetuity of the Union. Withdraw the slavery question from the political arena, and remove it to the States and Territories, each to decide for itself, such a catastrophe can never happen. Then you will never be able to tell, by any Senator's vote for or against any measure, from what State or section of the Union he comes.

Why, then, can we not withdraw this vexed question from politics? Why can we not adopt the principle of this bill as a rule of action in all new Territorial organizations? Why can we not deprive these agitators of their vocation and render it impossible for Senators to come here upon bargains on the slavery question?²² I believe that the peace, the harmony, and perpetuity of the Union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the Compromise of 1850, and leave the people, under the Constitution, to do as they may see proper in respect to their own internal affairs.

Mr. President, I have not brought this question forward as a Northern man or as a Southern man. I am unwilling to recognize such divisions and distinctions. I have brought it forward as an American Senator, representing a State which is true to this principle, and which has approved of my action in respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those Territories and of the States to be formed therefrom, now and in all time to come. I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution. The bill does equal and exact justice to the whole Union, and every part of it; it violates the right of no State or Territory; but places each on a perfect equality, and leaves the people thereof to the free enjoyment of all their rights under the Constitution.

Now, sir, I wish to say to our Southern friends that if they desire to see this great principle carried out, now is their time to rally around it, to cherish it, preserve it, make it the rule of action in all future time. If they fail to do it now, and thereby allow the doctrine of

interference to prevail, upon their heads the consequences of that interference must rest. To our Northern friends, on the other hand, I desire to say, that from this day henceforward they must rebuke the slander which has been uttered against the South, that they desire to legislate slavery into the Territories. The South has vindicated her sincerity, her honor, on that point by bringing forward a provision negating, in express terms, any such effect as a result of this bill. I am rejoiced to know that while the proposition to abrogate the eighth section of the Missouri act comes from a free State, the proposition to negative the conclusion that slavery is thereby introduced, comes from a slave-holding State. Thus, both sides furnish conclusive evidence that they go for the principle, and the principle only, and desire to take no advantage of any possible misconception.

Mr. President, I feel that I owe an apology to the Senate for having occupied their attention so long, and a still greater apology for having discussed the question in such an incoherent and desultory manner. But I could not forbear to claim the right of closing this debate. I thought gentlemen would recognize its propri-

ety when they saw the manner in which I was assailed and misrepresented in the course of this discussion, and especially by assaults still more disreputable in some portions of the country. These assaults have had no other effect upon me than to give me courage and energy for a still more resolute discharge of duty. I say frankly that, in my opinion, this measure will be as popular at the North as at the South, when its provisions and principles shall have been fully developed, and become well understood. The people at the North are attached to the principles of self-government, and you cannot convince them that that is self-government which deprives a people of the right of legislating for themselves, and compels them to receive laws which are forced upon them by a Legislature in which they are not represented. We are willing to stand upon this great principle of self-government everywhere; and it is to us a proud reflection that, in this whole discussion, no friend of the bill has urged an argument in its favor which could not be used with the same propriety in a free State as in a slave State, and *vice versa*. No enemy of the bill has used an argument which would bear repetition one mile across Mason

and Dixon's line. Our opponents have dealt entirely in sectional appeals. The friends of the bill have discussed a great principle of universal application, which can be sustained by the same reasons, and the same arguments, in every time and in every corner of the Union."

CHARLES SUMNER,*

OF MASSACHUSETTS.¹

(BORN 1811, DIED 1874.)

ON THE CRIME AGAINST KANSAS ; SENATE,
MAY 19-20, 1856.²

MR. PRESIDENT :

You are now called to redress a great transgression. Seldom in the history of nations has such a question been presented. Tariffs, Army bills, Navy bills, Land bills, are important, and justly occupy your care ; but these all belong to the course of ordinary legislation. As means and instruments only, they are necessarily subordinate to the conservation of government itself. Grant them or deny them, in greater or less degree, and you will inflict no shock. The machinery of government will continue to move. The State will not cease to exist. Far otherwise is it with the eminent question now before you, involving, as it does, Liberty in a broad territory, and also involving the peace of

* For notes on Sumner, see Appendix, p. 354.

the whole country, with our good name in history forever more.

Take down your map, sir, and you will find that the Territory of Kansas, more than any other region, occupies the middle spot of North America, equally distant from the Atlantic on the east, and the Pacific on the west ; from the frozen waters of Hudson's Bay on the north, and the tepid Gulf Stream on the south, constituting the precise territorial centre of the whole vast continent. To such advantages of situation, on the very highway between two oceans, are added a soil of unsurpassed richness, and a fascinating, undulating beauty of surface, with a health-giving climate, calculated to nurture a powerful and generous people, worthy to be a central pivot of American institutions. A few short months only have passed since this spacious and mediterranean country was open only to the savage who ran wild in its woods and prairies ; and now it has already drawn to its bosom a population of freemen larger than Athens crowded within her historic gates, when her sons, under Miltiades, won liberty for mankind on the field of Marathon ; more than Sparta contained when she ruled Greece, and sent forth her devoted children, quickened by a mother's

benediction, to return with their shields, or on them; more than Rome gathered on her seven hills, when, under her kings, she commenced that sovereign sway, which afterward embraced the whole earth; more than London held, when, on the fields of Crecy and Agincourt, the English banner was carried victoriously over the chivalrous hosts of France.

Against this Territory, thus fortunate in position and population, a crime has been committed, which is without example in the records of the past. Not in plundered provinces or in the cruelties of selfish governors will you find its parallel; and yet there is an ancient instance, which may show at least the path of justice. In the terrible impeachment by which the great Roman orator has blasted through all time the name of Verres, amidst charges of robbery and sacrilege, the enormity which most aroused the indignant voice of his accuser, and which still stands forth with strongest distinctness, arresting the sympathetic indignation of all who read the story, is, that away in Sicily he had scourged a citizen of Rome—that the cry, “I am a Roman citizen,” had been interposed in vain against the lash of the tyrant governor. Other charges were, that he had carried away

productions of art, and that he had violated the sacred shrines. It was in the presence of the Roman Senate that this arraignment proceeded; in a temple of the Forum; amidst crowds—such as no orator had ever before drawn together—thronging the porticos and colonnades, even clinging to the house-tops and neighboring slopes—and under the anxious gaze of witnesses summoned from the scene of crime. But an audience grander far—of higher dignity—of more various people, and of wider intelligence—the countless multitude of succeeding generations, in every land, where eloquence has been studied, or where the Roman name has been recognized,—has listened to the accusation, and throbbed with condemnation of the criminal. Sir, speaking in an age of light, and a land of constitutional liberty, where the safeguards of elections are justly placed among the highest triumphs of civilization, I fearlessly assert that the wrongs of much-abused Sicily, thus memorable in history, were small by the side of the wrongs of Kansas, where the very shrines of popular institutions, more sacred than any heathen altar, have been desecrated; where the ballot-box, more precious than any work, in ivory or marble, from the

cunning hand of art, has been plundered ; and where the cry, " I am an American citizen," has been interposed in vain against outrage of every kind, even upon life itself. Are you against sacrilege ? I present it for your execration. Are you against robbery ? I hold it up to your scorn. Are you for the protection of American citizens ? I show you how their dearest rights have been cloven down, while a Tyrannical Usurpation has sought to install itself on their very necks !

But the wickedness which I now begin to expose is immeasurably aggravated by the motive which prompted it. Not in any common lust for power did this uncommon tragedy have its origin. It is the rape of a virgin Territory, compelling it to the hateful embrace of Slavery ; and it may be clearly traced to a depraved longing for a new slave State, the hideous offspring of such a crime, in the hope of adding to the power of slavery in the National Government. Yes, sir, when the whole world, alike Christian and Turk, is rising up to condemn this wrong, and to make it a hissing to the nations, here in our Republic, *force*—ay, sir, **FORCE**—has been openly employed in compelling Kansas to this pollution, and all for the sake

of political power. There is the simple fact, which you will in vain attempt to deny, but which in itself presents an essential wickedness that makes other public crimes seem like public virtues.

But this enormity, vast beyond comparison, swells to dimensions of wickedness which the imagination toils in vain to grasp, when it is understood that for this purpose are hazarded the horrors of intestine feud not only in this distant Territory, but everywhere throughout the country. Already the muster has begun. The strife is no longer local, but national. Even now, while I speak, portents hang on all the arches of the horizon threatening to darken the broad land, which already yawns with the mutterings of civil war. The fury of the propagandists of Slavery, and the calm determination of their opponents, are now diffused from the distant Territory over widespread communities, and the whole country, in all its extent—marshalling hostile divisions, and foreshadowing a strife which, unless happily averted by the triumph of Freedom, will become war—fratricidal, parricidal war—with an accumulated wickedness beyond the wickedness of any war in human annals; justly provoking the avenging

judgment of Providence and the avenging pen of history, and constituting a strife, in the language of the ancient writer, more than *foreign*, more than *social*, more than *civil*; but something compounded of all these strifes, and in itself more than war; *sed potius commune quoddam ex omnibus, et plus quam bellum.*

Such is the crime which you are to judge. But the criminal also must be dragged into day, that you may see and measure the power by which all this wrong is sustained. From no common source could it proceed. In its perpetration was needed a spirit of vaulting ambition which would hesitate at nothing; a hardihood of purpose which was insensible to the judgment of mankind; a madness for Slavery which would disregard the Constitution, the laws, and all the great examples of our history; also a consciousness of power such as comes from the habit of power; a combination of energies found only in a hundred arms directed by a hundred eyes; a control of public opinion through venal pens and a prostituted press; an ability to subsidize crowds in every vocation of life—the politician with his local importance, the lawyer with his subtle tongue, and even the authority of the judge on the bench; and a

familiar use of men in places high and low, so that none, from the President to the lowest border postmaster, should decline to be its tool ; all these things and more were needed, and they were found in the slave power of our Republic. There, sir, stands the criminal, all unmasked before you—heartless, grasping, and tyrannical—with an audacity beyond that of Verres, a subtlety beyond that of Machiavel, a meanness beyond that of Bacon, and an ability beyond that of Hastings. Justice to Kansas can be secured only by the prostration of this influence ; for this the power behind—greater than any President—which succors and sustains the crime. Nay, the proceedings I now arraign derive their fearful consequences only from this connection.

In now opening this great matter, I am not insensible to the austere demands of the occasion ; but the dependence of the crime against Kansas upon the slave power is so peculiar and important, that I trust to be pardoned while I impress it with an illustration, which to some may seem trivial. It is related in Northern mythology that the god of Force, visiting an enchanted region, was challenged by his royal entertainer to what seemed an humble feat of

strength—merely, sir, to lift a cat from the ground. The god smiled at the challenge, and, calmly placing his hand under the belly of the animal, with superhuman strength strove, while the back of the feline monster arched far upward, even beyond reach, and one paw actually forsook the earth, until at last the discomfited divinity desisted ; but he was little surprised at his defeat when he learned that this creature, which seemed to be a cat, and nothing more, was not merely a cat, but that it belonged to and was a part of the great Terrestrial Serpent, which, in its innumerable folds, encircled the whole globe. Even so the creature, whose paws are now fastened upon Kansas, whatever it may seem to be, constitutes in reality a part of the slave power, which, in its loathsome folds, is now coiled about the whole land. Thus do I expose the extent of the present contest, where we encounter not merely local resistance, but also the unconquered sustaining arm behind. But out of the vastness of the crime attempted, with all its woe and shame, I derive a well-founded assurance of a commensurate vastness of effort against it by the aroused masses of the country, determined not only to vindicate Right against Wrong, but to

redeem the Republic from the thralldom of that Oligarchy which prompts, directs, and concentrates the distant wrong.

Such is the crime, and such the criminal, which it is my duty in this debate to expose, and, by the blessing of God, this duty shall be done completely to the end. * * *

But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs. I mean the Senator from South Carolina (Mr. Butler), and the Senator from Illinois (Mr. Douglas), who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause, against which he has run a tilt, with such activity of animosity, demands that the opportunity of exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who,

though ugly to others, is always lovely to him ; though polluted in the sight of the world, is chaste in his sight—I mean the harlot, Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote, in behalf of his wench, Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames equality under the Constitution—in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!

But not content with this poor menace, which we have been twice told was “measured,” the Senator in the unrestrained chivalry of his

nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them "sectional and fanatical;" and opposition to the usurpation in Kansas he denounces as "an uncalculating fanaticism." To be sure these charges lack all grace of originality, and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant *sectionalism*, which now domineers over the Republic, and yet with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his *sectionalism* the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was sectional, he arraigns as *sectional*. This will not do. It involves too great a perversion of terms. I tell that Senator that it is to himself, and to the "organization" of which he is the "committed advocate," that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the

Republican party of the Union is in no just sense *sectional*!, but, more than any other party, *national*; and that it now goes forth to dislodge from the high places of the Government the tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots. * * *

As the Senator from South Carolina, is the Don Quixote, the Senator from Illinois (Mr. Douglas) is the Squire of Slavery, its very Sancho Panza, ready to do all its humiliating offices. This Senator, in his labored address, vindicating his labored report—piling one mass of elaborate error upon another mass—constrained himself, as you will remember, to unfamiliar decencies of speech. Of that address I have nothing to say at this moment, though before I sit down I shall show something of its fallacies. But I go back now to an earlier occasion, when, true to his native impulses, he threw into this discussion, “for a charm of powerful trouble,” personalities most discreditable to this body. I will not stop to repel the imputations which he cast upon myself; but I mention them to remind you of the “sweltered venom sleeping got,” which, with other poisoned ingredients, he cast into the caldron

of this debate. Of other things I speak. Standing on this floor, the Senator issued his rescript, requiring submission to the Usurped Power of Kansas; and this was accompanied by a manner—all his own—such as befits the tyrannical threat. Very well. Let the Senator try. I tell him now that he cannot enforce any such submission. The Senator, with the slave power at his back, is strong; but he is not strong enough for this purpose. He is bold. He shrinks from nothing. Like Danton, he may cry, "*l'audace ! l'audace ! toujours l'audace !*" but even his audacity cannot compass this work. The Senator copies the British officer who, with boastful swagger, said that with the hilt of his sword he would cram the "stamps" down the throats of the American people, and he will meet a similar failure. He may convulse this country with a civil feud. Like the ancient madman, he may set fire to this Temple of Constitutional Liberty, grander than the Ephesian dome; but he cannot enforce obedience to that Tyrannical Usurpation.

The Senator dreams that he can subdue the North. He disclaims the open threat, but his conduct still implies it. How little that Senator knows himself or the strength of the cause

which he persecutes ! He is but a mortal man ; against him is an immortal principle. With finite power he wrestles with the infinite, and he must fall. Against him are stronger battalions than any marshalled by mortal arm—the inborn, ineradicable, invincible sentiments of the human heart ; against him is nature in all her subtle forces ; against him is God. Let him try to subdue these. * * *

With regret, I come again upon the Senator from South Carolina (Mr. Butler), who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a State ; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representative, and then upon her people.⁶ There was no extravagance of the ancient parliamentary debate, which he did not repeat ; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution, or in stating the law,

whether in the details of statistics or the diversions of scholarship. He cannot open his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike: that Franklin, when entrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defence, and denounced as a “thief,” even as the agent of Kansas’ has been assaulted on this floor, and denounced as a “forger.” And let not the vanity of the Senator be inspired by the parallel with the British statesman of that day; for it is only in hostility to Freedom that any parallel can be recognized.

But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, “from a State”—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognize even

as a "body politic." Pray, sir, by what title does he indulge in this egotism? Has he read the history of "the State" which he represents? He cannot surely have forgotten its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot have forgotten its wretched persistence in the slave-trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its constitution, which is Republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on "a settled freehold estate and ten negroes." And yet the Senator, to whom that "State" has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward in the very ecstasy of madness, to expose it by provoking a comparison with Kansas. South Carolina is old; Kansas is young. South Carolina counts by centuries; where Kansas counts by years. But a beneficent example may be born in a day; and I venture to say, that against the two centuries of the older "State," may be already set the two years of trial, evolving correspond-

ing virtue, in the younger community. In the one, is the long wail of Slavery; in the other, the hymns of Freedom. And if we glance at special achievements, it will be difficult to find any thing in the history of South Carolina which presents so much of heroic spirit in an heroic cause as appears in that repulse of the Missouri invaders by the beleaguered town of Lawrence, where even the women gave their effective efforts to Freedom. The matrons of Rome, who poured their jewels into the treasury for the public defence—the wives of Prussia, who, with delicate fingers, clothed their defenders against French invasion—the mothers of our own Revolution, who sent forth their sons, covered with prayers and blessings, to combat for human rights, did nothing of self-sacrifice truer than did these women on this occasion. Were the whole history of South Carolina blotted out of existence, from its very beginning down to the day of the last election of the Senator to his present seat on this floor, civilization might lose—I do not say how little; but surely less than it has already gained by the example of Kansas, in its valiant struggle against oppression, and in the development of a new science of emigration. Already, in Law-

rence alone, there are newspapers and schools, including a High School, and throughout this infant Territory there is more mature scholarship far, in proportion to its inhabitants, than in all South Carolina. Ah, sir, I tell the Senator that Kansas, welcomed as a free State, will be a "ministering angel" to the Republic, when South Carolina, in the cloak of darkness which she hugs, "lies howling."

The Senator from Illinois (Mr. Douglas) naturally joins the Senator from South Carolina in this warfare, and gives to it the superior intensity of his nature. He thinks that the National Government has not completely proved its power, as it has never hanged a traitor; but, if the occasion requires, he hopes there will be no hesitation; and this threat is directed at Kansas, and even at the friends of Kansas throughout the country.⁸ Again occurs the parallel with the struggle of our fathers, and I borrow the language of Patrick Henry, when, to the cry from the Senator, of "treason," "treason," I reply, "if this be treason, make the most of it." Sir, it is easy to call names; but I beg to tell the Senator that if the word "traitor" is in any way applicable to those who refuse submission to a Tyrannical

Usurpation, whether in Kansas or elsewhere, then must some new word, of deeper color, be invented, to designate those mad spirits who could endanger and degrade the Republic, while they betray all the cherished sentiments of the fathers and the spirit of the Constitution, in order to give new spread to Slavery. Let the Senator proceed. It will not be the first time in history, that a scaffold erected for punishment has become a pedestal of honor. Out of death comes life, and the "traitor" whom he blindly executes will live immortal in the cause.

"For Humanity sweeps onward ; where to-day the martyr stands,
On the morrow crouches Judas, with the silver in his hands ;
While the hooting mob of yesterday in silent awe return,
To glean up the scattered ashes into History's golden urn." 9

Among these hostile Senators, there is yet another, with all the prejudices of the Senator from South Carolina, but without his generous impulses, who, on account of his character before the country, and the rancor of his opposition, deserves to be named. I mean the Senator from Virginia (Mr. Mason), who, as the author of the Fugitive-Slave bill, has associated

himself with a special act of inhumanity and tyranny. Of him I shall say little, for he has said little in this debate, though within that little was compressed the bitterness of a life absorbed in the support of Slavery. He holds the commission of Virginia; but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which Independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator, representing such a State, should rail against free Kansas.

Senators such as these are the natural enemies of Kansas, and I introduce them with reluctance, simply that the country may understand the character of the hostility which must be overcome. Arrayed with them, of course, are all who unite, under any pretext or apology, in the propagandism of human Slavery. To such, indeed, the time-honored safeguards of

popular rights can be a name only, and nothing more. What are trial by jury, habeas corpus, the ballot-box, the right of petition, the liberty of Kansas, your liberty, sir, or mine, to one who lends himself, not merely to the support at home, but to the propagandism abroad, of that preposterous wrong, which denies even the right of a man to himself! Such a cause can be maintained only by a practical subversion of all rights. It is, therefore, merely according to reason that its partisans should uphold the Usurpation in Kansas.

To overthrow this Usurpation is now the special, importunate duty of Congress, admitting of no hesitation or postponement. To this end it must lift itself from the cabals of candidates, the machinations of party, and the low level of vulgar strife. It must turn from that Slave Oligarchy which now controls the Republic, and refuse to be its tool. Let its power be stretched forth toward this distant Territory, not to bind, but to unbind; not for the oppression of the weak, but for the subversion of the tyrannical; not for the prop and maintenance of a revolting Usurpation, but for the confirmation of Liberty.

“These are imperial arts and worthy thee!”

Let it now take its stand between the living and dead, and cause this plague to be stayed. All this it can do; and if the interests of Slavery did not oppose, all this it would do at once, in reverent regard for justice, law, and order, driving away all the alarms of war; nor would it dare to brave the shame and punishment of this great refusal. But the slave power dares any thing; and it can be conquered only by the united masses of the people. From Congress to the People I appeal. * * *¹⁰

The contest, which, beginning in Kansas, has reached us, will soon be transferred from Congress to a broader stage, where every citizen will be not only spectator, but actor; and to their judgment I confidently appeal. To the People, now on the eve of exercising the electoral franchise, in choosing a Chief Magistrate of the Republic, I appeal, to vindicate the electoral franchise in Kansas. Let the ballot-box of the Union, with multitudinous might, protect the ballot-box in that Territory. Let the voters everywhere, while rejoicing in their own rights, help to guard the equal rights of distant fellow-citizens; that the shrines of popular institutions, now desecrated, may be sanctified anew; that the ballot-box, now plundered, may

be restored ; and that the cry, "I am an American citizen," may not be sent forth in vain against outrage of every kind. In just regard for free labor in that Territory, which it is sought to blast by unwelcome association with slave labor ; in Christian sympathy with the slave, whom it is proposed to task and sell there ; in stern condemnation of the crime which has been consummated on that beautiful soil ; in rescue of fellow-citizens now subjugated to a Tyrannical Usurpation ; in dutiful respect for the early fathers, whose aspirations are now ignobly thwarted ; in the name of the Constitution, which has been outraged—of the laws trampled down—of Justice banished—of Humanity degraded—of Peace destroyed—of Freedom crushed to earth ; and, in the name of the Heavenly Father, whose service is perfect Freedom, I make this last appeal.¹¹

May 20, 1856.

MR. DOUGLAS:—I shall not detain the Senate by a detailed reply to the speech of the Senator from Massachusetts. Indeed, I should not deem it necessary to say one word, but for the personalities in which he has indulged, evincing a depth of malignity that issued from every sentence, making it a matter of self-respect with

me to repel the assaults which have been made.

As to the argument, we have heard it all before. Not a position, not a fact, not an argument has he used, which has not been employed on the same side of the chamber, and replied to by me twice. I shall not follow him, therefore, because it would only be repeating the same answer which I have twice before given to each of his positions. He seems to get up a speech as in Yankee land they get up a bedquilt. They take all the old calico dresses of various colors, that have been in the house from the days of their grandmothers, and invite the young ladies of the neighborhood in the afternoon, and the young men to meet them at a dance in the evening. They cut up these pieces of old dresses and make pretty figures, and boast of what beautiful ornamental work they have made, although there was not a new piece of material in the whole quilt. Thus it is with the speech which we have had rehashed here to-day, in regard to matters of fact, matters of law, and matters of argument—every thing but the personal assaults and the malignity. * * *

His endeavor seems to be an attempt to whistle to keep up his courage by defiant as-

saults upon us all. I am in doubt as to what can be his object. He has not hesitated to charge three fourths of the Senate with fraud, with swindling, with crime, with infamy, at least one hundred times over in his speech. Is it his object to provoke some of us to kick him as we would a dog in the street, that he may get sympathy upon the just chastisement? What is the object of this denunciation against the body of which we are members? A hundred times he has called the Nebraska bill a "swindle," an act of crime, an act of infamy, and each time went on to illustrate the complicity of each man who voted for it in perpetrating the crime. He has brought it home as a personal charge to those who passed the Nebraska bill, that they were guilty of a crime which deserved the just indignation of heaven, and should make them infamous among men.

Who are the Senators thus arraigned? He does me the honor to make me the chief. It was my good luck to have such a position in this body as to enable me to be the author of a great, wise measure, which the Senate has approved, and the country will endorse. That measure was sustained by about three fourths of all the members of the Senate. It was sus-

tained by a majority of the Democrats and a majority of the Whigs in this body. It was sustained by a majority of Senators from the slave-holding States, and a majority of Senators from the free States. The Senator, by his charge of crime, then, stultifies three fourths of the whole body, a majority of the North, nearly the whole South, a majority of Whigs, and a majority of Democrats here. He says they are infamous. If he so believed, who could suppose that he would ever show his face among such a body of men? How dare he approach one of those gentlemen to give him his hand after that act? If he felt the courtesies between men he would not do it. He would deserve to have himself spit in the face for doing so. * * * ¹³

The attack of the Senator from Massachusetts now is not on me alone. Even the courteous and the accomplished Senator from South Carolina (Mr. Butler) could not be passed by in his absence.

MR. MASON:—Advantage was taken of it.

MR. DOUGLAS:—It is suggested that advantage is taken of his absence. I think that this is a mistake. I think the speech was written and practised, and the gestures fixed; and, if that

part had been stricken out the Senator would not have known how to repeat the speech. All that tirade of abuse must be brought down on the head of the venerable, the courteous, and the distinguished Senator from South Carolina. I shall not defend that gentleman here. Every Senator who knows him loves him. The Senator from Massachusetts may take every charge made against him in his speech, and may verify by his oath, and by the oath of every one of his confederates, and there is not an honest man in this chamber who will not repel it as a slander. Your oaths cannot make a Senator feel that it was not an outrage to assail that honorable gentleman in the terms in which he has been attacked. He, however, will be here in due time to speak for himself, and to act for himself too. I know what will happen. The Senator from Massachusetts will go to him, whisper a secret apology in his ear, and ask him to accept that as satisfaction for a public outrage on his character! I know the Senator from Massachusetts is in the habit of doing those things. I have had some experience of his skill in that respect. * * *

Why these attacks on individuals by name, and two thirds of the Senate collectively? Is it

the object to drive men here to dissolve social relations with political opponents? Is it to turn the Senate into a bear garden, where Senators cannot associate on terms which ought to prevail between gentlemen? These attacks are heaped upon me by man after man. When I repel them, it is intimated that I show some feeling on the subject. Sir, God grant that when I denounce an act of infamy I shall do it with feeling, and do it under the sudden impulses of feeling, instead of sitting up at night writing out my denunciation of a man whom I hate, copying it, having it printed, punctuating the proof-sheets, and repeating it before the glass, in order to give refinement to insult, which is only pardonable when it is the outburst of a just indignation.

Mr. President, I shall not occupy the time of the Senate. I dislike to be forced to repel these attacks upon myself, which seem to be repeated on every occasion. It appears that gentlemen on the other side of the chamber think they would not be doing justice to their cause if they did not make myself a personal object of bitter denunciation and malignity. I hope that the debate on this bill may be brought to a close at as early a day as possible. I shall do no more

in these side discussions than vindicate myself and repel unjust attacks, but I shall ask the Senate to permit me to close the debate, when it shall close, in a calm, kind summary of the whole question, avoiding personalities.¹⁴

MR. SUMNER :—Mr. President, To the Senator from Illinois, I should willingly leave the privilege of the common scold—the last word ; but I will not leave to him, in any discussion with me, the last argument, or the last semblance of it. He has crowned the audacity of this debate by venturing to rise here and calumniate me. He said that I came here, took an oath to support the Constitution, and yet determined not to support a particular clause in that Constitution. To that statement I give, to his face, the flattest denial. When it was made on a former occasion on this floor by the absent Senator from South Carolina (Mr. Butler), I then repelled it. I will read from the debate of the 28th of June, 1854, as published in the *Globe*, to show what I said in response to that calumny when pressed at that hour. Here is what I said to the Senator from South Carolina :

“ This Senator was disturbed, when to his inquiry, personally, pointedly, and vehemently addressed to me, whether I would join in return-

ing a fellow-man to slavery? I exclaimed, 'Is thy servant a dog, that he should do this thing?'"

You will observe that the inquiry of the Senator from South Carolina, was whether I would join in returning a fellow-man to slavery. It was not whether I would support any clause of the Constitution of the United States—far from that. * * *¹⁵

Sir, this is the Senate of the United States, an important body, under the Constitution, with great powers. Its members are justly supposed, from age, to be above the intemperance of youth, and from character to be above the gusts of vulgarity. They are supposed to have something of wisdom, and something of that candor which is the handmaid of wisdom. Let the Senator bear these things in mind, and let him remember hereafter that the bowie-knife and bludgeon are not the proper emblems of Senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add dignity to this body. The Senator has gone on to infuse into his speech the venom which has been sweltering for months—ay, for years; and he has alleged facts that are entirely without founda-

tion, in order to heap upon me some personal obloquy. I will not go into the details which have flowed out so naturally from his tongue. I only brand them to his face as false. I say, also, to that Senator, and I wish him to bear it in mind, that no person with the upright form of man can be allowed—(Hesitation.)

MR. DOUGLAS:—Say it.

MR. SUMNER:—I will say it—no person with the upright form of man can be allowed, without violation to all decency, to switch out from his tongue the perpetual stench of offensive personality. Sir, that is not a proper weapon of debate, at least, on this floor. The noisome, squat, and nameless animal, to which I now refer, is not a proper model for an American Senator. Will the Senator from Illinois take notice?

MR. DOUGLAS:—I will; and therefore will not imitate you, sir.

MR. SUMNER:—I did not hear the Senator.

MR. DOUGLAS:—I said if that be the case I would certainly never imitate you in that capacity, recognizing the force of the illustration.

MR. SUMNER:—Mr. President, again the Senator has switched his tongue, and again he fills the Senate with its offensive odor. * * *¹⁶

MR. DOUGLAS:—I am not going to pursue

this subject further. I will only say that a man who has been branded by me in the Senate, and convicted by the Senate of falsehood, cannot use language requiring a reply, and therefore I have nothing more to say.¹⁷

PRESTON S. BROOKS,*

OF SOUTH CAROLINA.¹

(BORN 1819, DIED 1857.)

ON THE SUMNER ASSAULT ; HOUSE OF REPRESENTA-
TIVES, JULY 14, 1856.

MR. SPEAKER :

Some time since a Senator from Massachusetts allowed himself, in an elaborately prepared speech, to offer a gross insult to my State, and to a venerable friend, who is my State representative, and who was absent at the time.

Not content with that, he published to the world, and circulated extensively, this uncalled-for libel on my State and my blood. Whatever insults my State insults me. Her history and character have commanded my pious veneration ; and in her defence I hope I shall always be prepared, humbly and modestly, to perform the duty of a son. I should have forfeited my own self-respect, and perhaps the good opinion

* For notes on Brooks, see Appendix, p. 362.

of my countrymen, if I had failed to resent such an injury by calling the offender in question to a personal account. It was a personal affair, and in taking redress into my own hands I meant no disrespect to the Senate of the United States or to this House. Nor, sir, did I design insult or disrespect to the State of Massachusetts. I was aware of the personal responsibilities I incurred, and was willing to meet them. I knew, too, that I was amenable to the laws of the country, which afford the same protection to all, whether they be members of Congress or private citizens. I did not, and do not now believe, that I could be properly punished, not only in a court of law, but here also, at the pleasure and discretion of the House. I did not then, and do not now, believe that the spirit of American freemen would tolerate slander in high places, and permit a member of Congress to publish and circulate a libel on another, and then call upon either House to protect him against the personal responsibilities which he had thus incurred.

But if I had committed a breach of privilege, it was the privilege of the Senate, and not of this House, which was violated. I was answerable *there*, and not *here*. They had no right,

as it seems to me, to prosecute me in these Halls, nor have you the right in law or under the Constitution, as I respectfully submit, to take jurisdiction over offences committed against them. The Constitution does not justify them in making such a request, nor this House in granting it. If, unhappily, the day should ever come when sectional or party feeling should run so high as to control all other considerations of public duty or justice, how easy it will be to use such precedents for the excuse of arbitrary power, in either House, to expel members of the minority who may have rendered themselves obnoxious to the prevailing spirit in the House to which they belong.

Matters may go smoothly enough when one House asks the other to punish a member who is offensive to a majority of its own body ; but how will it be when, upon a pretence of insulted dignity, *demands* are made of this House to expel a member who happens to run counter to its party predilections, or other demands which it may not be so agreeable to grant ? It could never have been designed by the Constitution of the United States to expose the two Houses to such temptations to collision, or to extend so far the discretionary power which was given

to either House to punish its own members for the violation of its rules and orders. Discretion has been said to be the law of the tyrant, and when exercised under the color of the law, and under the influence of party dictation, it may and will become a terrible and insufferable despotism.

This House, however, it would seem, from the unmistakable tendency of its proceedings, takes a different view from that which I deliberately entertain in common with many others.

So far as public interests or constitutional rights are involved, I have now exhausted my means of defence. I may, then, be allowed to take a more personal view of the question at issue. The further prosecution of this subject, in the shape it has now assumed, may not only involve my friends, but the House itself, in agitations which might be unhappy in their consequences to the country. If these consequences could be confined to myself individually, I think I am prepared and ready to meet them, here or elsewhere; and when I use this language I mean what I say. But others must not suffer for me. I have felt more on account of my two friends who have been implicated,

than for myself, for they have proven that "there is a friend that sticketh closer than a brother." I will not constrain gentlemen to assume a responsibility on my account, which possibly they would not run on their own.

Sir, I cannot, on *my own account*, assume the responsibility, in the face of the American people, of commencing a line of conduct which in my heart of hearts I believe would result in subverting the foundations of this Government, and in drenching this Hall in blood. No act of mine, on my personal account, shall inaugurate revolution; but when you, Mr. Speaker, return to your own home, and hear the people of the great North—and they are a great people—speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by revolution—and this I know. (Applause and hisses in the gallery.)

Mr. Brooks (resuming):—If I desired to kill the Senator, why did not I do it? You all admit that I had him in my power. Let me tell the member from New Jersey that it was expressly to avoid taking life that I used an ordinary cane, presented to me by a friend in Baltimore, nearly three months before its appli-

cation to the "bare head" of the Massachusetts Senator. I went to work very deliberately, as I am charged—and this is admitted,—and speculated somewhat as to whether I should employ a horsewhip or a cowhide; but knowing that the Senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then—for I never attempt any thing I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life.

The question has been asked in certain newspapers, why I did not invite the Senator to personal combat in the mode usually adopted. Well, sir, as I desire the whole truth to be known about the matter, I will for once notice a newspaper article on the floor of the House, and answer here.

My answer is, that the Senator would not accept a message; and having formed the unalterable determination to punish him, I believed that the offence of "sending a hostile message," superadded to the indictment for assault and battery, would subject me to legal penalties more severe than would be imposed for a simple assault and battery. That is my answer.

Now, Mr. Speaker, I have nearly finished what I intended to say. If my opponents, who have pursued me with unparalleled bitterness, are satisfied with the present condition of this affair, I am. I return my thanks to my friends, and especially to those who are from non-slave-owning States, who have magnanimously sustained me, and felt that it was a higher honor to themselves to be just in their judgment of a gentleman than to be a member of Congress for life. In taking my leave, I feel that it is proper that I should say that I believe that some of the votes that have been cast against me have been extorted by an outside pressure at home, and that their votes do not express the feelings or opinions of the members who gave them.

To such of these as have given their votes and made their speeches on the constitutional principles involved, and without indulging in personal vilification, I owe my respect. But, sir, they have written me down upon the history of the country as worthy of expulsion, and in no unkindness I must tell them that for all future time my self-respect requires that I shall pass them as strangers.

And now, Mr. Speaker, I announce to you

and to this House, that I am no longer a member of the Thirty-Fourth Congress.

(Mr. Brooks then walked out of the House of Representatives.)

JUDAH P. BENJAMIN,*

OF LOUISIANA.¹

(BORN 1811, DIED 1864.)

ON THE PROPERTY DOCTRINE, OR THE RIGHT OF
PROPERTY IN SLAVES ; SENATE OF THE UNITED
STATES, MARCH 11, 1858²

MR. PRESIDENT, the whole subject of slavery; so far as it is involved in the issue now before the country, is narrowed down at last to a controversy on the solitary point, whether it be competent for the Congress of the United States, directly or indirectly, to exclude slavery from the Territories of the Union. The Supreme Court of the United States have given a negative answer to this proposition, and it shall be my first effort to support that negation by argument, independently of the authority of the decision.

* For notes on Benjamin, see Appendix, p. 363.
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It seems to me that the radical, fundamental error which underlies the argument in affirmation of this power, is the assumption that slavery is the creature of the statute law of the several States where it is established; that it has no existence outside of the limits of those States; that slaves are not property beyond those limits; and that property in slaves is neither recognized nor protected by the Constitution of the United States, nor by international law. I controvert all these propositions, and shall proceed at once to my argument.

Mr. President, the thirteen colonies, which on the 4th of July, 1776, asserted their independence, were British colonies, governed by British laws. Our ancestors in their emigration to this country brought with them the common law of England as their birthright. They adopted its principles for their government so far as it was not incompatible with the peculiarities of their situation in a rude and unsettled country. Great Britain then having the sovereignty over the colonies, possessed undoubted power to regulate their institutions, to control their commerce, and to give laws to their intercourse, both with the mother and the other nations of the earth. If I can show, as I

hope to be able to establish to the satisfaction of the Senate, that the nation thus exercising sovereign power over these thirteen colonies did establish slavery in them, did maintain and protect the institution, did originate and carry on the slave trade, did support and foster that trade, that it forbade the colonies permission either to emancipate or export their slaves, that it prohibited them from inaugurating any legislation in diminution or discouragement of the institution—nay, sir, more, if, at the date of our Revolution I can show that African slavery existed in England as it did on this continent, if I can show that slaves were sold upon the slave mart, in the Exchange and other public places of resort in the city of London as they were on this continent, then I shall not hazard too much in the assertion that slavery was the common law of the thirteen States of the Confederacy at the time they burst the bonds that united them to the mother country.

* * * * *

This legislation, Mr. President, as I have said before, emanating from the mother country, fixed the institution upon the colonies. They could not resist it. All their right was limited

to petition, to remonstrance, and to attempts at legislation at home to diminish the evil. Every such attempt was sternly repressed by the British Crown. In 1760, South Carolina passed an act prohibiting the further importation of African slaves. The act was rejected by the Crown; the Governor was reprimanded; and a circular was sent to all the Governors of all the colonies, warning them against presuming to countenance such legislation. In 1765, a similar bill was twice read in the Assembly of Jamaica. The news reached Great Britain before its final passage. Instructions were sent out to the royal Governor; he called the House of Assembly before him, communicated his instructions, and forbade any further progress of the bill. In 1774, in spite of this discountenancing action of the mother Government, two bills passed the Legislative Assembly of Jamaica; and the Earl of Dartmouth, then Secretary of State, wrote to Sir Basil Keith, the Governor of the colony, that "these measures had created alarm to the merchants of Great Britain engaged in that branch of commerce;" and forbidding him, "on pain of removal from his Government, to assent to such laws."

Finally, in 1775—mark the date—1775—after

the revolutionary struggle had commenced, whilst the Continental Congress was in session, after armies had been levied, after Crown Point and Ticonderoga had been taken possession of by the insurgent colonists, and after the first blood shed in the Revolution had reddened the spring sod upon the green at Lexington, this same Earl of Dartmouth, in remonstrance from the agent of the colonies, replied :

“ We cannot allow the colonies to check or discourage in any degree a traffic so beneficial to the nation.”

I say, then, that down to the very moment when our independence was won, slavery, by the statute law of England, was the common law of the old thirteen colonies. But, sir, my task does not end here. I desire to show you that by her jurisprudence, that by the decisions of her judges, and the answers of her lawyers to questions from the Crown and from public bodies, this same institution was declared to be recognized by the common law of England ; and slaves were declared to be, in their language, merchandise, chattels, just as much private property as any other merchandise or any other chattel.

A short time prior to the year 1713, a contract had been formed between Spain and a

certain company, called the Royal Guinea Company, that had been established in France. This contract was technically called in those days an *assiento*. By the treaty of Utrecht of the 11th of April, 1713, Great Britain, through her diplomatists, obtained a transfer of that contract. She yielded considerations for it. The obtaining of that contract was greeted in England with shouts of joy. It was considered a triumph of diplomacy. It was followed in the month of May, 1713, by a new contract in form, by which the British Government undertook, for the term of thirty years then next to come, to transport annually 4800 slaves to the Spanish American colonies, at a fixed price. Almost immediately after this new contract, a question arose in the English Council as to what was the true legal character of the slaves thus to be exported to the Spanish American colonies; and, according to the forms of the British constitution, the question was submitted by the Crown in council to the twelve judges of England. I have their answer here; it is in these words:

“In pursuance of His Majesty’s order in council, hereunto annexed, we do humbly certify our opinion to be that negroes are merchandise.”

Signed by Lord Chief-Justice Holt, Judge Pollexfen, and eight other judges of England.

Mr. Mason. What is the date of that?

Mr. Benjamin. It was immediately after the treaty of Utrecht, in 1713. Very soon afterwards the nascent spirit of fanaticism began to obtain a foothold in England; and although large numbers of negro slaves were owned in Great Britain, and, as I said before, were daily sold on the public exchange in London, questions arose as to the right of the owners to retain property in their slaves; and the merchants of London, alarmed, submitted the question to Sir Philip Yorke, who afterwards became Lord Hardwicke, and to Lord Talbot, who were then the solicitor and attorney-general of the kingdom. The question was propounded to them, "What are the rights of a British owner of a slave in England?" and this is the answer of those two legal functionaries. They certified that "a slave coming from the West Indies to England with or without his master, doth not become free; and his master's property in him is not thereby determined nor varied, and the master may legally compel him to return to the plantations."

And, in 1749, the same question again came up before Sir Philip Yorke, then Lord Chancellor of England, under the title of Lord Hardwicke, and, by a decree in chancery in the case before him, he affirmed the doctrine which he had uttered when he was attorney-general of Great Britain.

Things thus stood in England until the year 1771, when the spirit of fanaticism, to which I have adverted, acquiring strength, finally operated upon Lord Mansfield, who, by a judgment rendered in a case known as the celebrated *Sommersett* case, subverted the common law of England by judicial legislation, as I shall prove in an instant. I say it not on my own authority. I would not be so presumptuous. The Senator from Maine (Mr. Fessenden) need not smile at my statement. I will give him higher authority than anything I can dare assert. I say that in 1771 Lord Mansfield subverted the common law of England in the *Sommersett* case, and decided, not that a slave carried to England from the West Indies by his master thereby became free, but that by the law of England, if the slave resisted the master, there was no remedy by which the master could exercise his control; that the colonial legislation which afforded the master means of

controlling his property had no authority in England, and that England by her laws had provided no substitute for that authority. That was what Lord Mansfield decided. I say this was judicial legislation. I say it subverted the entire previous jurisprudence of Great Britain. I have just adverted to the authorities for that position. Lord Mansfield felt it. The case was argued before him over and over again, and he begged the parties to compromise. They said they would not. "Why," said he, "I have known six of these cases already, and in five out of the six there was a compromise; you had better compromise this matter"; but the parties said no, they would stand on the law; and then, after holding the case up two terms, Lord Mansfield mustered up courage to say just what I have asserted to be his decision; that there was no law in England affording the master control over his slave; and that therefore the master's putting him on board of a vessel in irons, being unsupported by authority derived from English law, and the colonial law not being in force in England, he would discharge the slave from custody on *habeas corpus*, and leave the master to his remedy as best he could find one.

Mr. Fessenden. Decided so unwillingly.

Mr. Benjamin. The gentleman is right—very unwillingly. He was driven to the decision by the paramount power which is now perverting the principles, and obscuring the judgment of the people of the North ; and of which I must say there is no more striking example to be found than its effect on the clear and logical intellect of my friend from Maine.

Mr. President, I make these charges in relation to that judgment, because in them I am supported by an intellect greater than Mansfield's ; by a judge of resplendent genius and consummate learning ; one who, in all questions of international law, on all subjects not dependent upon the peculiar municipal technical common law of England, has won for himself the proudest name in the annals of her jurisprudence—the gentleman knows well that I refer to Lord Stowell. As late as 1827, twenty years after Great Britain had abolished the slave trade, six years before she was brought to the point of confiscating the property of her colonies which she had forced them to buy,⁴ a case was brought before that celebrated judge ; a case known to all lawyers by the name of the slave Grace. It was pretended in the argument that the slave Grace was free, because she had

been carried to England, and it was said, under the authority of Lord Mansfield's decision in the *Sommersett* case, that, having once breathed English air, she was free; that the atmosphere of that favored kingdom was too pure to be breathed by a slave. Lord Stowell, in answering that *legal* argument, said that after painful and laborious research into historical records, he did not find anything touching the peculiar fitness of the English atmosphere for respiration during the ten centuries that slaves had lived in England.

* * * * *

After that decision had been rendered, Lord Stowell, who was at that time in correspondence with Judge Story, sent him a copy of it, and wrote to him upon the subject of his judgment. No man will doubt the anti-slavery feelings and proclivities of Judge Story. He was asked to take the decision into consideration and give his opinion about it. Here is his answer :

“I have read, with great attention, your judgment in the slave case. Upon the fullest consideration which I have been able to give the subject, I entirely concur in your views. If I had been called upon to pronounce a judgment in a like case, I should have certainly arrived at the same result.”

That was the opinion of Judge Story in 1827; but, sir, whilst contending, as I here contend, as a proposition, based in history, maintained by legislation, supported by judicial authority of the greatest weight, that slavery, as an institution, was protected by the common law of these colonies at the date of the Declaration of Independence, I go further, though not necessary to my argument, and declare that it was the common law of North and South America alike.

* * * * *

Thus, Mr. President, I say that even if we admit for the moment that the common law of the nations which colonized this continent, the institution of slavery at the time of our independence, was dying away by the manumissions either gratuitous or for a price of those who held the people as slaves, yet, so far as the continent of America was concerned, North and South, there did not breathe a being who did not know that a negro, under the common law of the continent, was merchandise, was property, was a slave, and that he could only extricate himself from that *status*, stamped upon him by the common law of the country, by

positive proof of manumission. No man was bound to show title to his negro slave. The slave was bound to show manumission under which he had acquired his freedom, by the common law of every colony. Why, sir, can any man doubt, is there a gentleman here, even the Senator from Maine, who doubts that if, after the Revolution, the different States of this Union had not passed laws upon the subject to abolish slavery, to subvert this common law of the continent, every one of these States would be slave States yet? How came they free States? Did not they have this institution of slavery imprinted upon them by the power of the mother country? How did they get rid of it? All, all must admit that they had to pass positive acts of legislation to accomplish this purpose. Without that legislation they would still be slave States. What, then, becomes of the pretext that slavery only exists in those States where it was established by positive legislation, that it has no inherent vitality out of those States, and that slaves are not considered as property by the Constitution of the United States?

When the delegates of the several colonies which had thus asserted their independence of

the British Crown met in convention, the decision of Lord Mansfield in the *Sommersett* case was recent, was known to all. At the same time, a number of the northern colonies had taken incipient steps for the emancipation of their slaves. Here permit me to say, sir, that, with a prudent regard to what the Senator from Maine (Mr. Hamlin) yesterday called the "sensitive pocket-nerve," they all made these provisions prospective. Slavery was to be abolished after a certain future time—just enough time to give their citizens convenient opportunity for selling the slaves to southern planters, putting the money in their pockets, and then sending to us here, on this floor, representatives who flaunt in robes of sanctimonious holiness; who make parade of a cheap philanthropy, exercised at our expense; and who say to all men: "Look ye now, how holy, how pure we are; you are polluted by the touch of slavery; we are free from it."

* * * * *

Now, sir, because the Supreme Court of the United States says—what is patent to every man who reads the Constitution of the United States—that it does guaranty property in slaves,

it has been attacked with vituperation here, on this floor, by Senators on all sides. Some have abstained from any indecent, insulting remarks in relation to the Court. Some have confined themselves to calm and legitimate argument. To them I am about to reply. To the others, I shall have something to say a little later. What says the Senator from Maine (Mr. Fessenden)? He says :

“ Had the result of that election been otherwise, and had not the (Democratic) party triumphed on the dogma which they had thus introduced, we should never have heard of a doctrine so utterly at variance with all truth ; so utterly destitute of all legal logic ; so founded on error, and unsupported by anything like argument, as is the opinion of the Supreme Court.”

He says, further :

“ I should like, if I had time, to attempt to demonstrate the fallacy of that opinion. I have examined the view of the Supreme Court of the United States on the question of the power of the Constitution to carry slavery into free territory belonging to the United States, and I tell you that I believe any tolerably respectable lawyer in the United States can show, beyond all question, to any fair and unprejudiced mind, that the decision has nothing to stand upon except assumption, and bad logic from the assumptions made. The main proposition on which that decision is founded, the corner-stone of it, without which it is nothing, without which it fails entirely to

satisfy the mind of any man, is this : that the Constitution of the United States recognizes property in slaves, and protects it as such. I deny it. It neither recognizes slaves as property, nor does it protect slaves as property."

The Senator here, you see, says that the whole decision is based on that assumption, which is false. He says that the Constitution does not recognize slaves as property, nor protect them as property, and his reasoning, a little further on, is somewhat curious. He says :

" On what do they found the assertion that the Constitution recognizes slavery as property ? On the provision of the Constitution by which Congress is prohibited from passing a law to prevent the African slave trade for twenty years ; and therefore they say the Constitution recognizes slaves as property."

I should think that was a pretty fair recognition of it. On this point the gentleman declares :

" Will not anybody see that this constitutional provision, if it works one way, must work the other ? If, by allowing the slave trade for twenty years, we recognize slaves as property, when we say that at the end of twenty years we will cease to allow it, or may cease to do so, is not that denying them to be property after that period elapses ? "

That is the argument. Nothing but my respect for the logical intellect of the Senator from Maine could make me treat this argument as serious, and nothing but having heard it myself would make me believe that he ever uttered it. What, sir! The Constitution of our country says to the South, "you shall count as the basis of your representation five slaves as being three white men; you may be protected in the natural increase of your slaves; nay, more, as a matter of compromise you may increase their number if you choose, for twenty years, by importation; when these twenty years are out, you shall stop." The Supreme Court of the United States says, "well; is not this a recognition of slavery, of property in slaves?" "Oh, no," says the gentleman, "the rule must work both ways; there is a converse to the proposition." Now, sir, to an ordinary, uninstructed intellect, it would seem that the converse of the proposition was simply that at the end of twenty years you should not any longer increase your numbers by importation; but the gentleman says the converse of the proposition is that at the end of the twenty years, after you have, under the guarantee of the Constitution, been adding by importation

to the previous number of your slaves, then all those that you had before, and all those that, under that Constitution, you have imported, cease to be recognized as property by the Constitution, and on this proposition he assails the Supreme Court of the United States—a proposition which he says will occur to anybody.”

Mr. Fessenden. Will the Senator allow me?

Mr. Benjamin. I should be very glad to enter into this debate now, but I fear it is so late that I shall not be able to get through to-day.

Mr. Fessenden. I suppose it is of no consequence.

Mr. Benjamin. What says the Senator from Vermont (Mr. Collamer), who also went into this examination somewhat extensively. I read from his printed speech:

“ I do not say that slaves are never property. I do not say that they are, or are not. Within the limits of a State which declares them to be property, they are property, because they are within the jurisdiction of that government which makes the declaration ; but I should wish to speak of it in the light of a member of the United States Senate, and in the language of the United States Constitution. If this be property in the States, what is the nature and extent of it? I insist that the Supreme Court has often decided, and everybody has understood, that slavery is a local institution, existing by force of

State law ; and of course that law can give it no possible character beyond the limits of that State. I shall no doubt find the idea better expressed in the opinion of Judge Nelson, in this same Dred Scott decision. I prefer to read his language.

* * * * *

“ Here is the law ; and under it exists the law of slavery in the different States. By virtue of this very principle it cannot extend one inch beyond its own territorial limits. A State cannot regulate the relation of master and slave, of owner and property, the manner and title of descent, or anything else, one inch beyond its territory. Then you cannot, by virtue of the law of slavery, if it makes slaves property in a State, if you please, move that property out of the State. It ends whenever you pass from that State. You may pass into another State that has a like law ; and if you do, you hold it by virtue of that law ; but the moment you pass beyond the limits of the slaveholding States, all title to the property called property in slaves, there ends. Under such a law slaves cannot be carried as property into the Territories, or anywhere else beyond the States authorizing it. It is not property anywhere else. If the Constitution of the United States gives any other and further character than this to slave property, let us acknowledge it fairly and end all strife about it. If it does not, I ask in all candor, that men on the other side shall say so, and let this point be settled. What is the point we are to inquire into ? It is this : does the Constitution of the United States make slaves property beyond the jurisdiction of the States authorizing slavery ? If it only acknowledges them as property within that jurisdiction, it has not extended the property one inch beyond the State line ; but if, as the Supreme Court seems to say, it does recognize

and protect them as property further than State limits, and more than the State laws do, then, indeed, it becomes like other property. The Supreme Court rests this claim upon this clause of the Constitution: 'No person held to service or labor in one State, under the laws thereof, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.' Now the question is, does that guaranty it? Does that make it the same as other property? The very fact that this clause makes provision on the subject of persons bound to service, shows that the framers of the Constitution did not regard it as other property. It was a thing that needed some provision; other property did not. The insertion of such a provision shows that it was not regarded as other property. If a man's horse stray from Delaware into Pennsylvania, he can go and get it. Is there any provision in the Constitution for it? No. How came this to be there, if a slave is property? If it is the same as other property, why have any provision about it?'"

It will undoubtedly have struck any person, in hearing this passage read from the speech of the Senator from Vermont, whom I regret not to see in his seat to-day, that the whole argument, ingeniously as it is put, rests upon this fallacy—if I may say so with due respect to him—that a man cannot have *title* in property wherever the law does not give him a *remedy* or *process* for the assertion of his title; or, in other words, his whole argument rests upon the old confusion of ideas which

considers a man's right and his remedy to be one and the same thing. I have already shown to you, by the passages I have cited from the opinions of Lord Stowell and of Judge Story, how they regard this subject. They say that the slave who goes to England, or goes to Massachusetts, from a slave State, is still a slave, that he is still his master's property; but that his master has lost control over him, not by reason of the cessation of his *property*, but because those States grant no *remedy* to the master by which he can exercise his control.

There are numerous illustrations upon this point—illustrations furnished by the copy-right laws, illustrations furnished by patent laws. Let us take a case, one that appeals to us all. There lives now a man in England who from time to time sings to the enchanted ear of the civilized world strains of such melody that the charmed senses seem to abandon the grosser regions of earth, and to rise to purer and se-rener regions above. God has created that man a poet. His inspiration is his; his songs are his by right divine; they are his property so recognized by human law; yet here in these United States men steal Tennyson's works and sell his property for their profit; and this

because, in spite of the violated conscience of the nation, we refuse to give him protection for his property. Examine your Constitution; are slaves the only species of property there recognized as requiring peculiar protection? Sir, the inventive genius of our brethern of the North is a source of vast wealth to them and vast benefit to the nation. I saw a short time ago in one of the New York journals, that the estimated value of a few of the patents now before us in this Capital for renewal, was \$40,000,000. I cannot believe that the entire capital, invested in inventions of this character in the United States can fall short of one hundred and fifty or two hundred million dollars. On what protection does this vast property rest? Just upon that same constitutional protection which gives a remedy to the slave owner when his property is also found outside of the limits of the State in which he lives.

Without this protection, what would be the condition of the northern inventor? Why, sir, the Vermont inventor protected by his own law would come to Massachusetts, and there say to the pirate who had stolen his property, "Render me up my property or pay me value

for its use." The Senator from Vermont would receive for answer, if he were the counsel of the Vermont inventor, "Sir, if you want protection for your property go to your own State; property is governed by the laws of the State within whose jurisdiction it is found; you have no property in your invention outside of the limits of your State; you cannot go an inch beyond it." Would not this be so? Does not every man see at once that the right of the inventor to his discovery, that the right of the poet to his inspiration, depends upon those principles of eternal justice which God has implanted in the heart of man, and that wherever he cannot exercise them it is because man, faithless to the trust that he has received from God, denies them the protection to which they are entitled?"

Sir, follow out the illustration which the Senator from Vermont himself has given; take his very case of the Delaware owner of a horse riding him across the line into Pennsylvania. The Senator says: "Now, you see that slaves are not property like other property; if slaves were property like other property, why have you this special clause in your Constitution to protect a slave? You have no clause to pro-

tect the horse, because horses are recognized as property everywhere." Mr. President, the same fallacy lurks at the bottom of this argument, as of all the rest. Let Pennsylvania exercise her undoubted jurisdiction over persons and things within her own boundary; let her do as she has a perfect right to do—declare that hereafter, within the State of Pennsylvania, there shall be no property in horses, and that no man shall maintain a suit in her courts for the recovery of property in a horse; and where will your horse-owner be then? Just where the English poet is now; just where the slaveholder and the inventor would be if the Constitution, foreseeing a difference of opinion in relation to rights in these subject-matters, had not provided the remedy in relation to such property as might easily be plundered. Slaves, if you please, are not property like other property in this: that you can easily rob us of them; but as to the *right* in them, that man has to overthrow the whole history of the world, he has to overthrow every treatise on jurisprudence, he has to ignore the common sentiment of mankind, he has to repudiate the authority of all that is considered sacred with man, ere he can reach the conclusion that the

person who owns a slave, in a country where slavery has been established for ages, has no other property in that slave than the mere title which is given by the statute law of the land where it is found. * * *¹⁹

ABRAHAM LINCOLN,*

OF ILLINOIS.¹

(BORN 1809, DIED 1865.)

ON THE DRED SCOTT DECISION, SPRINGFIELD,
ILLINOIS, JUNE 26, 1857.²

AND now as to the Dred Scott decision. That decision declares two propositions—first, that a negro cannot sue in the United States courts; and secondly, that Congress cannot prohibit slavery in the Territories. It was made by a divided court—dividing differently on the different points. Judge Douglas does not discuss the merits of the decision, and in that respect I shall follow his example, believing I could no more improve on McLean and Curtis than he could on Taney.

He denounces all who question the correctness of that decision, as offering violent resist-

* For notes on Lincoln, see Appendix, p. 367.

ance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him?

Judicial decisions have two uses,—first, to absolutely determine the case decided; and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called “precedents” and “authorities.”

We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of government. We think its decisions on constitutional questions, when fully settled, should control not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments to the Constitution as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it to overrule this. We offer no resistance to it.

Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both

with common sense and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true ; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country. But Judge Douglas considers this view awful. Hear him :

“ The courts are the tribunals prescribed by the Constitution and created by the authority of the people to determine, expound, and enforce the law. Hence, whoever resists the final decision of the highest judicial tribunal aims a deadly blow at our whole republican system of government—a blow which, if successful, would place all our rights and liberties at the mercy of passion, anarchy, and violence. I repeat, there-

fore, that if resistance to the decisions of the Supreme Court of the United States, in a matter like the points decided in the Dred Scott case, clearly within their jurisdiction as defined by the Constitution, shall be forced upon the country as a political issue, it will become a distinct and naked issue between the friends and enemies of the Constitution—the friends and the enemies of the supremacy of the laws.”

* * * * *

I have said, in substance, that the Dred Scott decision was in part based on assumed historical facts which were not really true, and I ought not to leave the subject without giving some reasons for saying this; I therefore give an instance or two, which I think fully sustain me. Chief-Justice Taney, in delivering the opinion of the majority of the court, insists at great length that the negroes were no part of the people who made, or for whom was made, the Declaration of Independence, or the Constitution of the United States.

On the contrary, Judge Curtis, in his dissenting opinion, shows that in five of the then thirteen States—to wit, New Hampshire, Massachusetts, New York, New Jersey, and North Carolina—free negroes were voters, and in proportion to their numbers had the same part in making the Constitution that the white people

had. He shows this with so much particularity as to leave no doubt of its truth ; and as a sort of conclusion on that point, holds the following language :

“The Constitution was ordained and established by the people of the United States, through the action in each State, of those persons who were qualified by its laws to act thereon in behalf of themselves and all other citizens of the State. In some of the States, as we have seen, colored persons were among those qualified by law to act on the subject. These colored persons were not only included in the body of ‘the people of the United States’ by whom the Constitution was ordained and established ; but in at least five of the States they had the power to act, and doubtless, did act, by their suffrages, upon the question of its adoption.”

Again, Chief-Justice Taney says :

“ It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted.”

And again, after quoting from the Declaration, he says :

“ The general words above quoted would seem to include the whole human family, and if they were used in a similiar instrument at this day, would be so understood.”

In these the Chief-Justice does not directly

assert, but plainly assumes, as a fact, that the public estimate of the black man is more favorable now than it was in the days of the Revolution. This assumption is a mistake. In some trifling particulars the condition of that race has been ameliorated; but as a whole, in this country, the change between then and now is decidedly the other way; and their ultimate destiny has never appeared so hopeless as in the last three or four years. In two of the five States—New Jersey and North Carolina—that then gave the free negro the right of voting, the right has since been taken away, and in the third—New York—it has been greatly abridged; while it has not been extended, so far as I know, to a single additional State, though the number of the States has more than doubled. In those days, as I understand, masters could, at their own pleasure, emancipate their slaves; but since then such legal restraints have been made upon emancipation as to amount almost to prohibition. In those days legislatures held the unquestioned power to abolish slavery in their respective States; but now it is becoming quite fashionable for State constitutions to withhold that power from the legislatures. In

those days, by common consent, the spread of the black man's bondage to the new countries was prohibited, but now Congress decides that it will not continue the prohibition, and the Supreme Court decides that it could not if it would. In those days our Declaration of Independence was held sacred by all, and thought to include all; but now, to aid in making the bondage of the negro universal and eternal, it is assailed and sneered at and construed, and hawked at and torn, till, if its framers could rise from their graves, they could not at all recognize it. All the powers of earth seem rapidly combining against him. Mammon is after him, ambition follows, philosophy follows, and the theology of the day is fast joining the cry. They have him in his prison-house; they have searched his person, and left no prying instrument with him. One after another they have closed the heavy iron doors upon him; and now they have him, as it were, bolted in with a lock of a hundred keys, which can never be unlocked without the concurrence of every key—the keys in the hands of a hundred different men, and they scattered to a hundred different and distant places; and they stand musing as to what in-

vention, in all the dominions of mind and matter, can be produced to make the impossibility of his escape more complete than it is.

It is grossly incorrect to say or assume that the public estimate of the negro is more favorable now than it was at the origin of the government.

Three years and a half ago, Judge Douglas brought forward his famous Nebraska bill. The country was at once in a blaze. He scorned all opposition, and carried it through Congress. Since then he has seen himself superseded in a presidential nomination by one indorsing the general doctrine of his measure, but at the same time standing clear of the odium of its untimely agitation and its gross breach of national faith; and he has seen that successful rival constitutionally elected, not by the strength of friends, but by the division of adversaries, being in a popular minority of nearly four hundred thousand votes. He has seen his chief aids in his own State, Shields and Richardson,⁴ politically speaking, successively tried, convicted, and executed, for an offense not their own, but his. And now he sees his own case standing next on the docket for trial.

There is a natural disgust in the minds of

nearly all white people at the idea of an indiscriminate amalgamation of the white and black races; and Judge Douglas evidently is basing his chief hope upon the chances of his being able to appropriate the benefit of this disgust to himself. If he can, by much drumming and repeating, fasten the odium of that idea upon his adversaries, he thinks he can struggle through the storm. He therefore clings to this hope, as a drowning man to the last plank. He makes an occasion for lugging it in from the opposition to the Dred Scott decision. He finds the Republicans insisting that the Declaration of Independence includes all men, black as well as white, and forthwith he boldly denies that it includes negroes at all, and proceeds to argue gravely that all who contend it does, do so only because they want to vote, and eat, and sleep, and marry with negroes. He will have it that they cannot be consistent else. Now I protest against the counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either. I can just leave her alone. In some respects she certainly is not my equal; but in her natural right to eat the bread she

earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others.

Chief-Justice Taney, in his opinion in the Dred Scott case, admits that the language of the Declaration is broad enough to include the whole human family, but he and Judge Douglas argue that the authors of that instrument did not intend to include negroes, by the fact that they did not at once actually place them on an equality with the whites. Now this grave argument comes to just nothing at all, by the other fact that they did not at once, or ever afterward, actually place all white people on an equality with one another. And this is the staple argument of both the Chief-Justice and the Senator for doing this obvious violence to the plain, unmistakable language of the Declaration.

I think the authors of that notable instrument intended to include *all* men, but they did not intend to declare all men equal *in all respects*. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—equal with

“certain inalienable rights, among which are life, liberty, and the pursuit of happiness.” This they said, and this they meant. They did not mean to assert the obvious untruth that all were then actually enjoying that equality, nor yet that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit.

They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere. The assertion that “all men are created equal” was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration not for that, but for future use. Its authors meant it to be—as, thank God, it is now proving itself—a stumbling-block to all those who in after times might seek to turn a free people back into the hateful

paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should reappear in this fair land and commence their vocation, they should find left for them at least one hard nut to crack.⁵

I have now briefly expressed my view of the meaning and object of that part of the Declaration of Independence which declares that "all men are created equal."

Now let us hear Judge Douglas's view of the same subject as I find it in the printed report of his late speech. Here it is :

"No man can vindicate the character, motives, and conduct of the signers of the Declaration of Independence, except upon the hypothesis that they referred to the white race alone, and not to the African, when they declared all men to have been created equal ; that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain ; that they were entitled to the same inalienable rights, and among them were enumerated life, liberty, and the pursuit of happiness. The Declaration was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country."

My good friends, read that carefully over in some leisure hour, and ponder well upon it ; see what a mere wreck—mangled ruin—it makes of our once glorious Declaration.

“They were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain.” Why, according to this, not only negroes but white people outside of Great Britain and America were not spoken of in that instrument. The English, Irish, and Scotch, along with white Americans, were included, to be sure, but the French, Germans, and other white people of the world are all gone to pot along with the Judge’s inferior races.

I had thought the Declaration promised something better than the condition of British subjects ; but no, it only meant that we should be equal to them in their own oppressed and unequal condition. According to that, it gave no promise that, having kicked off the king and lords of Great Britain, we should not at once be saddled with a king and lords of our own.

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere ; but no, it merely “ was adopted for the purpose of justifying the colonists in the eyes of the civilized world, in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country.” Why, that object having been ef-

fectured some eighty years ago, the Declaration is of no practical use now—mere rubbish—old wadding left to rot on the battle-field after the victory is won.

I understand you are preparing to celebrate the “Fourth,” to-morrow week. What for? The doings of that day had no reference to the present; and quite half of you are not even descendants of those who were referred to at that day. But I suppose you will celebrate, and will even go so far as to read the Declaration. Suppose, after you read it once in the old-fashioned way, you read it once more with Judge Douglas’s version. It will then run thus: “We hold these truths to be self-evident, that all British subjects who were on this continent eighty-one years ago, were created equal to all British subjects born and then residing in Great Britain.”

And now I appeal to all—to Democrats as well as others—are you really willing that the Declaration shall thus be frittered away?—thus left no more, at most, than an interesting memorial of the dead past?—thus shorn of its vitality and practical value, and left without the germ or even the suggestion of the individual rights of man in it?

ABRAHAM LINCOLN,*

OF ILLINOIS.¹

(BORN 1809, DIED 1865.)

ON HIS NOMINATION TO THE UNITED STATES SEN-
ATE, AT THE REPUBLICAN STATE CONVENTION,
SPRINGFIELD, ILLS., JUNE 16, 1858.²

MR. PRESIDENT AND GENTLEMEN OF THE
CONVENTION:

If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object, and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation not only has not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this Government cannot endure permanently half slave and half free. I do not ex-

* For notes on Lincoln, see Appendix, p. 372.

pect the Union to be dissolved ; I do not expect the house to fall ; but I do expect that it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction ; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South.³ Have we no tendency to the latter condition ? Let any one who doubts carefully contemplate that now almost complete legal combination-piece of machinery, so to speak—compounded of the Nebraska doctrine and the Dred Scott decision. Let him consider not only what work the machinery is adapted to do, and how well adapted, but also let him study the history of its construction, and trace, if he can, or rather fail, if he can, to trace the evidences of design and concert of action among its chief architects from the beginning.

The new year of 1854 found slavery excluded from more than half the States by State constitutions, and from most of the national territory by Congressional prohibition. Four days later commenced the struggle which ended in

repealing that Congressional prohibition. This opened all the national territory to slavery, and was the first point gained. But, so far, Congress only had acted, and an indorsement, by the people, real or apparent, was indispensable, to save the point already gained and give chance for more. This necessity had not been overlooked, but had been provided for, as well as might be, in the notable argument of "squatter sovereignty," otherwise called "sacred right of self-government";--which latter phrase though expressive of the only rightful basis of any government, was so perverted in this attempted use of it as to amount to just this: That, if any *one* man choose to enslave *another*, no *third* man shall be allowed to object. That argument was incorporated with the Nebraska bill itself, in the language which follows: "It being the true intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Then opened the roar of loose declamation in favor of "squatter sovereignty," and "sacred right of self-govern-

ment." "But," said opposition members, "let us amend the bill so as to expressly declare that the people of the Territory *may* exclude slavery." "Not we," said the friends of the measure; and down they voted the amendment.⁴

While the Nebraska bill was passing through Congress, a *law-case*, involving the question of a negro's freedom, by reason of his owner having voluntarily taken him first into a free State, and then into a Territory covered by the Congressional prohibition, and held him as a slave for a long time in each, was passing through the United States Circuit Court for the District of Missouri; and both Nebraska bill and lawsuit were brought to a decision in the same month of May, 1854. The negro's name was Dred Scott, which name now designates the decision finally made in the case. Before the then next Presidential election, the law-case came to, and was argued in, the Supreme Court of the United States; but the decision of it was deferred until after the election. Still, before the election, Senator Trumbull, on the floor of the Senate, requested the leading advocate of the Nebraska bill to state his *opinion* whether the people of a Territory can constitutionally exclude slavery

from their limits; and the latter answers: "That is a question for the Supreme Court."

The election came, Mr. Buchanan was elected, and the indorsement, such as it was, secured. That was the second point gained. The indorsement, however, fell short of a clear popular majority by nearly four hundred thousand votes, and so, perhaps, was not overwhelmingly reliable and satisfactory. The outgoing President, in his last annual message, as impressively as possible, echoed back upon the people the weight and authority of the indorsement. The Supreme Court met again, did not announce their decision, but ordered a re-argument. The Presidential inauguration came, and still no decision of the court; but the incoming President, in his inaugural address, fervently exhorted the people to abide by the forthcoming decision, whatever it might be. Then, in a few days, came the decision. The reputed author of the Nebraska bill finds an early occasion to make a speech at this capital, indorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes the early occasion of the Silliman letter to indorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained.

At length a squabble springs up between the President and the author of the Nebraska bill, on the mere question of fact, whether the Lecompton constitution was, or was not, in any just sense, made by the people of Kansas; and in that quarrel the latter declares that all he wants is a fair vote for the people, and that he cares not whether slavery be voted *down* or voted *up*.⁵ I do not understand his declaration, that he cares not whether slavery be voted down or voted up, to be intended by him other than as an apt definition of the policy he would impress upon the public mind—the principle for which he declares he has suffered so much, and is ready to suffer to the end. And well may he cling to that principle. If he has any parental feeling, well may he cling to it. That principle is the only shred left of his original Nebraska doctrine. Under the Dred Scott decision, squatter sovereignty squatted out of existence—tumbled down like temporary scaffolding—like the mould at the foundry, served through one blast, and fell back into loose sand,—helped to carry an election, and then was kicked to the winds. His late joint struggle with the Republicans against the Lecompton constitution involves nothing of the original Nebraska doctrine. That struggle was made

on a point—the right of a people to make their own constitution—upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in connection with Senator Douglas's "care-not" policy, constitute the piece of machinery in its present state of advancement. This was the third point gained. The working points of that machinery are: (1) That no negro slave, imported as such from Africa, and no descendant of such slave, can ever be a citizen of any State, in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the negro, in every possible event, of the benefit of that provision of the United States Constitution, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." (2) That, "subject to the Constitution of the United States," neither Congress nor a Territorial Legislature can exclude slavery from any United States Territory. This point is made in order that individual men may fill up the Territories with slaves, without danger of losing them as property, and thus to enhance the chances of permanency to the institution through all the

future. (3) That whether the holding a negro in actual slavery in a free State makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the negro may be forced into by the master. This point is made, not to be pressed immediately; but, if acquiesced in for a while, and apparently indorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott's master might lawfully do with Dred Scott, in the State of Illinois, every other master may lawfully do with any other one or one thousand slaves, in Illinois, or in any other free State.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to educate and mould public opinion, at least Northern public opinion, not to care whether slavery is voted down or voted up. This shows exactly where we now are, and partially, also, whither we are tending.

It will throw additional light on the latter to go back, and run the mind over the string of historical facts already stated. Several things will now appear less dark and mysterious than they did when they were transpiring. The people were to be left "perfectly free," "sub-

ject only to the Constitution." What the Constitution had to do with it, outsiders could not then see. Plainly enough now, it was an exactly fitted niche for the Dred Scott decision to come in afterward, and declare the perfect freedom of the people to be just no freedom at all. Why was the amendment expressly declaring the right of the people voted down? Plainly enough now, the adoption of it would have spoiled the niche for the Dred Scott decision. Why was the court decision held up? Why even a Senator's individual opinion withheld till after the Presidential election? Plainly enough now: the speaking out then would have damaged the "perfectly free" argument upon which the election was to be carried. Why the outgoing President's felicitation on the indorsement? Why the delay of a re-argument? Why the incoming President's advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse preparatory to mounting him, when it is dreaded that he may give the rider a fall. And why the hasty after indorsement of the decision by the President and others?

We cannot absolutely know that all these

exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places, and by different workmen—Stephen, Franklin, Roger, and James, for instance,—and when we see these timbers joined together, and see that they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding,—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in,—in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.*

It should not be overlooked that, by the Nebraska bill, the people of a *State*, as well as Territory, were to be left “perfectly free,” “subject only to the Constitution.” Why mention a State? They were legislating for Territories, and not for or about States. Cer-

tainly, the people of a State are and ought to be subject to the Constitution of the United States; but why is mention of this lugged into this merely Territorial law? Why are the people of a Territory and the people of a State therein lumped together, and their relation to the Constitution therein treated as being precisely the same? While the opinion of the court, by Chief-Justice Taney, in the Dred Scott case, and the separate opinions of all the concurring judges, expressly declare that the Constitution of the United States permits neither Congress nor a Territorial Legislature to exclude slavery from any United States Territory, they all omit to declare whether or not the same Constitution permits a State, or the people of a State, to exclude it. *Possibly*, this is a mere omission; but who can be quite sure, if McLean or Curtis had sought to get into the opinion a declaration of unlimited power in the people of a State to exclude slavery from their limits, just as Chase and Mace⁷ sought to get such declaration, in behalf of the people of a territory, into the Nebraska bill—I ask, who can be quite sure that it would not have been voted down in the one case as it had been in the other? The nearest approach to the point

of declaring the power of a State over slavery is made by Judge Nelson. He approaches it more than once, using the precise idea, and almost the language, too, of the Nebraska act. On one occasion, his exact language is: "Except in cases when the power is restrained by the Constitution of the United States, the law of the State is supreme over the subjects of slavery within its jurisdiction." In what cases the power of the States is so restrained by the United States Constitution is left an open question, precisely as the same question, as to the restraint on the power of the Territories, was left open in the Nebraska act. Put this and that together, and we have another nice little niche, which we may, ere long, see filled with another Supreme Court decision, declaring that the Constitution of the United States does not permit a *State* to exclude slavery from its limits. And this may especially be expected if the doctrine of "care not whether slavery be voted down or voted up," shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.

Such a decision is all that slavery now lacks of being alike lawful in all the States. Welcome or unwelcome, such decision is probably com-

ing, and will soon be upon us, unless the power of the present political dynasty shall be met and overthrown.⁸ We shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality, instead, that the Supreme Court has made Illinois a slave State. To meet and overthrow that dynasty is the work before all those who would prevent that consummation. That is what we have to do. How can we best do it?

There are those who denounce us openly to their own friends, and yet whisper us softly that Senator Douglas is the aptest instrument there is with which to effect that object. They wish us to *infer* all, from the fact that he now has a little quarrel with the present head of the dynasty; and that he has regularly voted with us on a single point, upon which he and we have never differed.⁹ They remind us that he is a great man, and that the largest of us are very small ones. Let this be granted. "But a living dog is better than a dead lion." Judge Douglas, if not a dead lion, for this work, is at least a caged and toothless one. How can he oppose the advances of slavery? He don't care anything about it. His avowed mission is im-

pressing the "public heart" to care nothing about it. A leading Douglas Democratic newspaper thinks Douglas's superior talent will be needed to resist the revival of the African slave-trade. Does Douglas believe an effort to revive that trade is approaching? He has not said so. Does he really think so? But if it is, how can he resist it? For years he has labored to prove it a sacred right of white men to take negro slaves into the new Territories. Can he possibly show that it is less a sacred right to buy them where they can be bought cheapest? And unquestionably they can be bought cheaper in Africa than in Virginia. He has done all in his power to reduce the whole question of slavery to one of a mere right of property; and as such, how can he oppose the foreign slave-trade? How can he refuse that trade in that "property" shall be "perfectly free," unless he does it as a protection to the home production? And as the home producers will probably ask the protection, he will be wholly without a ground of opposition. Senator Douglas holds, we know, that a man may rightfully be wiser to-day than he was yesterday—that he may rightfully change when he finds himself wrong. But can we, for that

reason, run ahead, and infer that he will make any particular change, of which he himself has given no intimation? Can we safely base our action upon any such vague inference? Now, as ever, I wish not to misrepresent Judge Douglas's position, question his motives, or do aught that can be personally offensive to him. Whenever, if ever, he and we can come together on principle, so that our cause may have assistance from his great ability, I hope to have interposed no adventitious obstacle. But, clearly, he is not now with us—he does not pretend to be, he does not promise ever to be.

Our cause, then, must be entrusted to, and conducted by its own undoubted friends—those whose hands are free, whose hearts are in the work—who *do care* for the result. Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong. We did this under the single impulse of resistance to a common danger. With every external circumstance against us, of strange, discordant, and even hostile elements, we gathered from the four winds, and formed and fought the battle through, under the constant hot fire of a disciplined, proud, and pampered enemy. Did

we brave all then, to falter now?—now, when that same enemy is wavering, dissevered, and belligerent! The result is not doubtful. We shall not fail—if we stand firm, we *shall not fail*. Wise counsels may accelerate, or mistakes delay it; but, sooner or later, the victory is sure to come.¹⁰

STEPHEN ARNOLD DOUGLAS,*
OF ILLINOIS.¹

(BORN 1813, DIED 1861.)

IN REPLY TO MR. LINCOLN ; FREEPORT, ILLS.,
AUGUST 27, 1858.²

LADIES AND GENTLEMEN :

I am glad that at last I have brought Mr. Lincoln to the conclusion that he had better define his position on certain political questions to which I called his attention at Ottawa. * * *³ In a few moments I will proceed to review the answers which he has given to these interrogatories; but, in order to relieve his anxiety, I will first respond to those which he has presented to me. Mark you, he has not presented interrogatories which have ever received the sanction of the party with which I am acting, and hence he has no other foundation for them than his own curiosity.

First he desires to know, if the people of Kansas shall form a constitution by means en-

*For notes on Douglas, see Appendix, p. 381.

tirely proper and unobjectionable, and ask admission as a State, before they have the requisite population for a member of Congress, whether I will vote for that admission. Well, now, I regret exceedingly that he did not answer that interrogatory himself before he put it to me, in order that we might understand, and not be left to infer, on which side he is. Mr. Trumbull, during the last session of Congress, voted from the beginning to the end against the admission of Oregon, although a free State, because she had not the requisite population for a member of Congress. Mr. Trumbull would not consent, under any circumstances, to let a State, free or slave, come into the Union until it had the requisite population. As Mr. Trumbull is in the field fighting for Mr. Lincoln, I would like to have Mr. Lincoln answer his own question and tell me whether he is fighting Trumbull on that issue or not. But I will answer his question. * * *⁴ Either Kansas must come in as a free State, with whatever population she may have, or the rule must be applied to all the other Territories alike. I therefore answer at once that, it having been decided that Kansas has people enough for a slave State, I hold that she has enough for a

free State. I hope Mr. Lincoln is satisfied with my answer; and now I would like to get his answer to his own interrogatory—whether or not he will vote to admit Kansas before she has the requisite population. I want to know whether he will vote to admit Oregon before that Territory has the requisite population. Mr. Trumbull will not, and the same reason that commits Mr. Trumbull against the admission of Oregon commits him against Kansas, even if she should apply for admission as a free State. If there is any sincerity, any truth, in the argument of Mr. Trumbull in the Senate against the admission of Oregon, because she had not 93,420 people, although her population was larger than that of Kansas, he stands pledged against the admission of both Oregon and Kansas until they have 93,420 inhabitants. I would like Mr. Lincoln to answer this question. I would like him to take his own medicine. If he differs with Mr. Trumbull, let him answer his argument against the admission of Oregon, instead of poking questions at me.

The next question propounded to me by Mr. Lincoln is, Can the people of the Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from

their limits prior to the formation of a State Constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory *can*, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855, and in 1856; and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution; the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local Legislature; and, if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will

favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point.*

In this connection, I will notice the charge which he has introduced in relation to Mr. Chase's amendment. I thought that I had chased that amendment out of Mr. Lincoln's brain at Ottawa; but it seems that it still haunts his imagination, and that he is not yet satisfied. I had supposed that he would be ashamed to press that question further. He is a lawyer, and has been a member of Congress, and has occupied his time and amused you by telling you about parliamentary proceedings. He ought to have known better than to try to palm off his miserable impositions upon this intelligent audience. The Nebraska bill provided that the legislative power and authority of the said Territory should extend to all rightful subjects of legislation, consistent with the organic act and the Constitution of the United States. It did not make any exception as to slavery, but gave all the power that it was possible

for Congress to give, without violating the Constitution, to the Territorial Legislature, with no exception or limitation on the subject of slavery at all. The language of that bill, which I have quoted, gave the full power and the fuller authority over the subject of slavery, affirmatively and negatively, to introduce it or exclude it, so far as the Constitution of the United States would permit. What more could Mr. Chase give by his amendment? Nothing! He offered his amendment for the identical purpose for which Mr. Lincoln is using it, to enable demagogues in the country to try and deceive the people. His amendment was to this effect. It provided that the Legislature should have power to exclude slavery; and General Cass suggested: "Why not give the power to introduce as well as to exclude?" The answer was—they have the power already in the bill to do both. Chase was afraid his amendment would be adopted if he put the alternative proposition, and so made it fair both ways, and would not yield. He offered it for the purpose of having it rejected. He offered it, as he has himself avowed over and over again, simply to make capital out of it for the stump. He expected that it would be capital for small politicians in the coun-

try, and that they would make an effort to deceive the people with it ; and he was not mistaken, for Lincoln is carrying out the plan admirably. * * *

The third question which Mr. Lincoln presented is—If the Supreme Court of the United States shall decide that a State of this Union cannot exclude slavery from its own limits, will I submit to it ? I am amazed that Mr. Lincoln should ask such a question. Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America, claiming any degree of intelligence or decency, who ever for a moment pretended such a thing. It is true that the *Washington Union*, in an article published on the 17th of last December, did put forth that doctrine, and I denounced the article on the floor of the Senate. * * * Lincoln's friends, Trumbull, and Seward, and Hale, and Wilson, and the whole Black Republican side of the Senate were silent.⁸ They left it to me to denounce it. And what was the reply made to me on that occasion ? Mr. Toombs, of Georgia, got up and undertook to lecture me on the ground that I ought not to have deemed the article worthy of notice, and ought not to have replied to it ; that there was

not one man, woman, or child south of the Potomac, in any slave State, who did not repudiate any such pretension. Mr. Lincoln knows that reply was made on the spot, and yet now he asks this question! He might as well ask me—Suppose Mr. Lincoln should steal a horse, would I sanction it; and it would be as genteel in me to ask him, in the event he stole a horse, what ought to be done with him. He casts an imputation upon the Supreme Court of the United States, by supposing that they would violate the Constitution of the United States. I tell him that such a thing is not possible. It would be an act of moral treason that no man on the bench could ever descend to. Mr. Lincoln himself would never, in his partisan feelings, so far forget what was right as to be guilty of such an act.⁹

The fourth question of Mr. Lincoln is—Are you in favor of acquiring additional territory in disregard as to how such acquisition may affect the Union on the slavery question? This question is very ingeniously and cunningly put. The Black Republican crowd lays it down expressly that under no circumstances shall we acquire any more territory unless slavery is first prohibited in the country. I ask Mr. Lincoln

whether he is in favor of that proposition? Are you opposed to the acquisition of any more territory, under any circumstances, unless slavery is prohibited in it? That he does not like to answer. When I ask him whether he stands up to that article in the platform of his party, he turns, Yankee fashion, and, without answering it, asks me whether I am in favor of acquiring territory without regard to how it may affect the Union on the slavery question. I answer that, whenever it becomes necessary, in our growth and progress, to acquire more territory, I *am* in favor of it without reference to the question of slavery, and when we have acquired it, I will leave the people free to do as they please, either to make it slave or free territory, as they prefer. It is idle to tell me or you that we have territory enough. * * *¹⁰

With our natural increase, growing with a rapidity unknown in any other part of the globe, with the tide of emigration that is fleeing from despotism in the old world to seek refuge in our own, there is a constant torrent pouring into this country that requires more land, more territory upon which to settle; and just as fast as our interest and our destiny require additional territory in the North, in the South, or in the

islands of the ocean, I am for it, and, when we acquire it, will leave the people, according to the Nebraska bill, free to do as they please on the subject of slavery and every other question.

I trust now that Mr. Lincoln will deem himself answered on his four points. He racked his brain so much in devising these four questions that he exhausted himself, and had not strength enough to invent the others. As soon as he is able to hold a council with his advisers, Lovejoy, Farnsworth, and Fred Douglas, he will frame and propound others ("Good," "good!"). You Black Republicans who say "good," I have no doubt, think that they are all good men. I have reason to recollect that some people in this country think that Fred Douglas is a very good man. The last time I came here to make a speech, while talking from a stand to you, people of Freeport, as I am doing to-day, I saw a carriage, and a magnificent one it was, drive up and take a position on the outside of the crowd; a beautiful young lady was sitting on the box seat, whilst Fred Douglas and her mother reclined inside, and the owner of the carriage acted as driver. I saw this in your own town. ("What of it?") All I have to say of it is this, that if you Black Republicans

think that the negro ought to be on a social equality with your wives and daughters, and ride in a carriage with your wife, whilst you drive the team, you have a perfect right to do so. I am told that one of Fred Douglas' kinsmen, another rich black negro, is now travelling in this part of the State making speeches for his friend Lincoln as the champion of black men. ("What have you to say against it?") All I have to say on that subject is, that those of you who believe that the negro is your equal, and ought to be on an equality with you socially, politically, and legally, have a right to entertain those opinions, and of course will vote for Mr. Lincoln.

WM. H. SEWARD,*

OF NEW YORK.

(BORN 1801, DIED 1872.)

ON THE IRREPRESSIBLE CONFLICT; ROCHESTER,
OCTOBER 25, 1858.¹

THE unmistakable outbreaks of zeal which occur all around me, show that you are earnest men—and such a man am I. Let us therefore, at least for a time, pass all secondary and collateral questions, whether of a personal or of a general nature, and consider the main subject of the present canvass. The Democratic party, or, to speak more accurately, the party which wears that attractive name—is in possession of the Federal Government. The Republicans propose to dislodge that party, and dismiss it from its high trust.

The main subject, then, is, whether the Democratic party deserves to retain the confidence of the American people. In attempting to prove it unworthy, I think that I am not actu-

* For notes on Seward, see Appendix, p. 389.

ated by prejudices against that party, or by prepossessions in favor of its adversary; for I have learned, by some experience, that virtue and patriotism, vice and selfishness, are found in all parties, and that they differ less in their motives than in the policies they pursue.

Our country is a theatre, which exhibits, in full operation, two radically different political systems; the one resting on the basis of servile or slave labor, the other on voluntary labor of freemen. The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is, that labor in every society, by whomsoever performed, is necessarily unintellectual, grovelling and base; and that the laborer, equally for his own good and for the welfare of the State, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he cannot, as yet, be reduced to bondage.

You need not be told now that the slave system is the older of the two, and that once it was universal. The emancipation of our own ancestors, Caucasians and Europeans as they were, hardly dates beyond a period of five hundred years. The great melioration of human society

which modern times exhibit, is mainly due to the incomplete substitution of the system of voluntary labor for the one of servile labor, which has already taken place. This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these States, and established civilization here. It was introduced on this continent as an engine of conquest, and for the establishment of monarchical power, by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy which now pervade all Portuguese and Spanish America. The free-labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain and Ireland. We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom, which the whole American people now enjoy. One of the chief elements of the value of human life is freedom in the pursuit of happiness. The slave system is not only intolerable, unjust, and inhuman, toward the laborer, whom, only because he is a laborer, it loads

down with chains and converts into merchandise, but is scarcely less severe upon the freeman, to whom, only because he is a laborer from necessity, it denies facilities for employment, and whom it expels from the community because it cannot enslave and convert into merchandise also. It is necessarily improvident and ruinous, because, as a general truth, communities prosper and flourish, or droop and decline, in just the degree that they practise or neglect to practise the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of man, and therefore is always and everywhere beneficent.

The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources for defence, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement.

The free-labor system educates all alike, and by opening all the fields of industrial employment and all the departments of authority, to the

unchecked and equal rivalry of all classes of men, at once secures universal contentment, and brings into the highest possible activity all the physical, moral, and social energies of the whole state. In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or democracy.

Russia yet maintains slavery, and is a despotism.^a Most of the other European states have abolished slavery, and adopted the system of free labor. It was the antagonistic political tendencies of the two systems which the first Napoleon was contemplating when he predicted that Europe would ultimately be either all Cossack or all republican. Never did human sagacity utter a more pregnant truth. The two systems are at once perceived to be incongruous. But they are more than incongruous—they are incompatible. They never have permanently existed together in one country, and they never can. It would be easy to demonstrate this impossibility, from the irreconcilable contrast between their great

principles and characteristics. But the experience of mankind has conclusively established it. Slavery, as I have already intimated, existed in every state in Europe. Free labor has supplanted it everywhere except in Russia and Turkey. State necessities developed in modern times are now obliging even those two nations to encourage and employ free labor; and already, despotic as they are, we find them engaged in abolishing slavery. In the United States, slavery came into collision with free labor at the close of the last century, and fell before it in New England, New York, New Jersey, and Pennsylvania, but triumphed over it effectually, and excluded it for a period yet undetermined, from Virginia, the Carolinas, and Georgia. Indeed, so incompatible are the two systems, that every new State which is organized within our ever-extending domain makes its first political act a choice of the one and the exclusion of the other, even at the cost of civil war, if necessary. The slave States, without law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free-labor system in new States.

Hitherto, the two systems have existed in different States, but side by side within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out to their very borders, together with a new and extended net-work of railroads and other avenues, and an internal commerce which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or consolidation. Thus, these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slave-holding nation, or entirely a free-labor nation. Either the cotton- and rice-fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free-labor, and Charleston

and New Orleans become marts of legitimate merchandise alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men.' It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromises between the slave and free States, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral. Startling as this saying may appear to you, fellow-citizens, it is by no means an original or even a modern one. Our forefathers knew it to be true, and unanimously acted upon it when they framed the Constitution of the United States. They regarded the existence of the servile system in so many of the States with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that one or the other system must exclusively prevail.

Unlike too many of those who in modern

time invoke their authority, they had a choice between the two. They preferred the system of free labor, and they determined to organize the government, and so direct its activity, that that system should surely and certainly prevail. For this purpose, and no other, they based the whole structure of the government broadly on the principle that all men are created equal, and therefore free—little dreaming that, within the short period of one hundred years, their descendants would bear to be told by any orator, however popular, that the utterance of that principle was merely a rhetorical rhapsody; or by any judge, however venerated, that it was attended by mental reservation, which rendered it hypocritical and false.⁴ By the ordinance of 1787, they dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth and forever; while by the new Constitution and laws they invited foreign free labor from all lands under the sun, and interdicted the importation of African slave labor, at all times, in all places, and under all circumstances whatsoever.⁵ It is true that they necessarily and wisely modified this policy of freedom by leaving it to the several States, affected as they were by different circumstances, to abolish

slavery in their own way and at their own pleasure, instead of confiding that duty to Congress; and that they secured to the slave States, while yet retaining the system of slavery, a three-fifths representation of slaves in the Federal Government, until they should find themselves able to relinquish it with safety. But the very nature of these modifications fortifies my position, that the fathers knew that the two systems could not endure within the Union, and expected within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two thirds of the States might amend the Constitution.⁶

It remains to say on this point only one word, to guard against misapprehension. If these States are to again become universally slaveholding, I do not pretend to say with what violations of the Constitution that end shall be accomplished. On the other hand, while I do confidently believe and hope that my country will yet become a land of universal freedom, I do not expect that it will be made so otherwise than through the action of the several States

coöperating with the Federal Government, and all acting in strict conformity with their respective constitutions.'

The strife and contentions concerning slavery, which gently-disposed persons so habitually deprecate, are nothing more than the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.

* * *⁸ I know—few, I think, know better than I—the resources and energies of the Democratic party, which is identical with the slave power. I do ample justice to its traditional popularity. I know further—few, I think, know better than I—the difficulties and disadvantages of organizing a new political force, like the Republican party, and the obstacles it must encounter in laboring without prestige and without patronage. But, understanding all this, I know that the Democratic party must go down, and that the Republican party must rise into its place. The Democratic party derived its strength, originally, from its adoption of the principles of equal and exact justice to all men.⁹ So long as it practised this principle faithfully, it was invulnerable. It became vulnerable when it renounced the principle, and since that time

it has maintained itself, not by virtue of its own strength, or even of its traditional merits, but because there as yet had appeared in the political field no other party that had the conscience and the courage to take up, and avow, and practise the life-inspiring principle which the Democratic party had surrendered.¹⁰ At last, the Republican party has appeared. It avows, now, as the Republican party of 1800 did, in one word, its faith and its works, "Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory. In this, its second campaign, it has already won advantages which render that triumph now both easy and certain.

The secret of its assured success lies in that very characteristic which, in the mouth of scoffers, constitutes its great and lasting imbecility and reproach. It lies in the fact that it is a party of one idea; but that is a noble one—an idea that fills and expands all generous souls; the idea of equality—the equality of all men before human tribunals and human laws, as they all are equal before the Divine tribunal and Divine laws.

I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty Senators and a hundred Representatives proclaim boldly in Congress to-day sentiments and opinions and principles of freedom which hardly so many men, even in this free State, dared to utter in their own homes twenty years ago. While the Government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever."

VI.
SECESSION.

VI.

SECESSION.

FROM the beginning of our history it has been a mooted question whether we are to consider the United States as a political state or as a congeries of political states, as a *Bundesstaat* or as a *Staatenbund*. The essence of the controversy seems to be contained in the very title of the republic, one school laying stress on the word United, as the other does on the word States. The phases of the controversy have been beyond calculation, and one of its consequences has been a civil war of tremendous energy and cost in blood and treasure.

Looking at the facts alone of our history, one would be most apt to conclude that the United States had been a political state from the beginning, its form being entirely revolutionary until the final ratification of the Articles

of Confederation in 1781, then under the very loose and inefficient government of the Articles until 1789, and thereafter under the very efficient national government of the Constitution; that, in the final transformation of 1787-9, there were features which were also decidedly revolutionary; but that there was no time when any of the colonies had the prospect or the power of establishing a separate national existence of its own. The facts are not consistent with the theory that the States ever were independent political states, in any scientific sense.

It cannot be said, however, that the actors in the history always had a clear perception of the facts as they took place. In the teeth of the facts, our early history presents a great variety of assertions of State independence by leading men, State Legislatures, or State constitutions, which still form the basis of the argument for State sovereignty. The State constitutions declared the State to be sovereign and independent, even though the framers knew that

the existence of the State depended on the issue of the national struggle against the mother country. The treaty of 1783 with Great Britain recognized the States separately and by name as "free, sovereign, and independent," even while it established national boundaries outside of the States, covering a vast western territory in which no State would have ventured to forfeit its interest by setting up a claim to practical freedom, sovereignty, or independence. All our early history is full of such contradictions between fact and theory. They are largely obscured by the indiscriminating use of the word "people." As used now, it usually means the national people; but many apparently national phrases as to the "sovereignty of the people," as they were used in 1787-9, would seem far less national if the phraseology could show the feeling of those who then used them that the "people" referred to was the people of the State. In that case the number of the contradictions would be indefinitely increased; and the phraseology of the Constitu-

tion's preamble, "We, the people of the United States," would not be offered as a consciously nationalizing phrase of its framers. It is hardly to be doubted, from the current debates, that the conventions of Massachusetts, New Hampshire, Rhode Island, New York, Virginia, North Carolina, and South Carolina, seven of the thirteen States, imagined and assumed that each ratified the Constitution in 1788-90 by authority of the State's people alone, by the State's sovereign will; while the facts show that in each of these conventions a clear majority was coerced into ratification by a strong minority in its own State, backed by the unanimous ratifications of the other States. If ratification or rejection had really been open to voluntary choice, to sovereign will, the Constitution would never have had a moment's chance of life; so far from being ratified by nine States as a condition precedent to going into effect, it would have been summarily rejected by a majority of the States. In the language of John Adams, the Constitution was

“extorted from the grinding necessities of a reluctant people.” The theory of State sovereignty was successfully contradicted by national necessities.

The change from the Articles of Confederation to the Constitution, though it could not help antagonizing State sovereignty, was carefully managed so as to do so as little as possible. As soon as the plans by which the Federal party, under Hamilton's leadership, proposed to develop the national features of the Constitution became evident, the latent State feeling took fire. Its first symptom was the adoption of the name Republican by the new opposition party which took form in 1792-3 under Jefferson's leadership. Up to this time the States had been the only means through which Americans had known any thing of republican government; they had had no share in the government of the mother country in colonial times, and no efficient national government to take part in under the Articles of Confederation. The claim of an exclusive title to the name of

Republican does not seem to have been fundamentally an implication of monarchical tendencies against the Federalists so much as an implication that they were hostile to the States, the familiar exponents of republican government. When the Federalist majority in Congress forced through, in the war excitement against France in 1798, the Alien and Sedition laws, which practically empowered the President to suppress all party criticism of and opposition to the dominant party, the Legislatures of Kentucky and Virginia, in 1798-9, passed series of resolutions, prepared by Jefferson and Madison respectively, which for the first time asserted in plain terms the sovereignty of the States. The two sets of resolutions agreed in the assertion that the Constitution was a "compact," and that the States were the "parties" which had formed it. In these two propositions lies the gist of State sovereignty, of which all its remotest consequences are only natural developments. If it were true that the States, of their sovereign will, had

formed such a compact ; if it were not true that the adoption of the Constitution was a mere alteration of the form of a political state already in existence ; it would follow, as the Kentucky resolutions asserted, that each State had the exclusive right to decide for itself when the compact had been broken, and the mode and measure of redress. It followed, also, that, if the existence and force of the Constitution in a State were due solely to the sovereign will of the State, the sovereign will of the State was competent, on occasion, to oust the Constitution from the jurisdiction covered by the State. In brief, the Union was wholly voluntary in its formation and in its continuance ; and each State reserved the unquestionable right to secede, to abandon the Union, and assume an independent existence whenever due reason, in the exclusive judgment of the State, should arise. These latter consequences, not stated in the Kentucky resolutions, and apparently not contemplated by the Virginia resolutions, were put into complete form by Professor Tucker, of

the University of Virginia, in 1803, in the notes to his edition of "Blackstone's Commentaries." Thereafter its statements of American constitutional law controlled the political training of the South.

Madison held a modification of the State sovereignty theory, which has counted among its adherents the mass of the ability and influence of American authorities on constitutional law. Holding that the Constitution was a compact, and that the States were the parties to it, he held that one of the conditions of the compact was the abandonment of State sovereignty; that the States were sovereign until 1787-8, but thereafter only members of a political state, the United States. This seems to have been the ground taken by Webster, in his debates with Hayne and Calhoun. It was supported by the instances in which the appearance of a sovereignty in each State was yielded in the fourteen years before 1787; but, unfortunately for the theory, Calhoun was able to produce instances exactly parallel after 1787. If the fact

that each State predicated its own sovereignty as an essential part of the steps preliminary to the convention of 1787 be a sound argument for State sovereignty before 1787, the fact that each State predicated its sovereignty as an essential part of the ratification of the Constitution must be taken as an equally sound argument for State sovereignty under the Constitution; and it seems difficult, on the Madison theory, to resist Calhoun's triumphant conclusion that, if the States went into the convention as sovereign States, they came out of it as sovereign States, with, of course, the right of secession. Calhoun himself had a sincere desire to avoid the exercise of the right of secession, and it was as a substitute for it that he evolved his doctrine of nullification, which has been placed in the first volume. When it failed in 1833, the exercise of the right of secession was the only remaining remedy for an asserted breach of State sovereignty.

The events which led up to the success of the Republican party in electing Mr. Lincoln to the

Presidency in 1860 are so intimately connected with the anti-slavery struggle that they have been placed in the preceding volume. They culminated in the first organized attempt to put the right of secession to a practical test. The election of Lincoln, the success of a "sectional party," and the evasion of the fugitive-slave law through the passage of "personal-liberty laws" by many of the Northern States, are the leading reasons assigned by South Carolina for her secession in 1860. These were intelligible reasons, and were the ones most commonly used to influence the popular vote. But all the evidence goes to show that the leaders of secession were not so weak in judgment as to run the hazards of war by reason of "injuries" so minute as these. Their apprehensions were far broader, if less calculated to influence a popular vote. In 1789 the proportions of population and wealth in the two sections were very nearly equal. The slave system of labor had hung as a clog upon the progress of the South, preventing the natural development of

manufactures and commerce, and shutting out immigration. As the numerical disproportion between the two sections increased, Southern leaders ceased to attempt to control the House of Representatives, contenting themselves with balancing new Northern with new Southern States, so as to keep an equal vote in the Senate. Since 1845 this resource had failed. Five free States, Iowa, Wisconsin, California, Minnesota, and Oregon, had been admitted, with no new slave States; Kansas was calling almost imperatively for admission; and there was no hope of another slave State in future. When the election of 1860 demonstrated that the progress of the anti-slavery struggle had united all the free States, it was evident that it was but a question of time when the Republican party would control both branches of Congress and the Presidency, and have the power to make laws according to its own interpretation of the constitutional powers of the Federal Government.

The peril to slavery was not only the prob-

able prohibition of the inter-State slave-trade, though this itself would have been an event which negro slavery in the South could hardly have long survived. The more pressing danger lay in the results of such general Republican success on the Supreme Court. The decision of that Court in the Dred Scott case had fully sustained every point of the extreme Southern claims as to the status of slavery in the Territories; it had held that slaves were property in the view of the Constitution; that Congress was bound to protect slave-holders in this property right in the Territories, and, still more, bound not to prohibit slavery or allow a Territorial Legislature to prohibit slavery in the Territories, and that the Missouri compromise of 1820 was unconstitutional and void. The Southern Democrats entered the election of 1860 with this distinct decision of the highest judicial body of the country to back them. The Republican party had refused to admit that the decision of the Dred Scott case was law or binding. Given a Republican majority

in both Houses and a Republican President, there was nothing to hinder the passage of a law increasing the number of Supreme Court justices to any desired extent, and the new appointments would certainly be of such a nature as to make the reversal of the Dred Scott decision an easy matter. The election of 1860 had brought only a Republican President; the majority in both Houses was to be against him until 1863 at least. But the drift in the North and West was too plain to be mistaken, and it was felt that 1860-1 would be the last opportunity for the Gulf States to secede with dignity and with the prestige of the Supreme Court's support.

Finally, there seems to have been a strong feeling among the extreme secessionists, who loved the right of secession for its own sake, that the accelerating increase in the relative power of the North would soon make secession, on any grounds, impossible. Unless the right was to be forfeited by non-user, it must be established by practical exercise, and at once.

Until about 1825-9 Presidential electors were

chosen in most of the States by the Legislature. After that period the old practice was kept up only in South Carolina. On election day of November, 1860, the South Carolina Legislature was in session for the purpose of choosing electors, but it continued its session after this duty was performed. As soon as Lincoln's election was assured, the Legislature called a State Convention for Dec. 17th, took the preliminary steps toward putting the State on a war footing, and adjourned. The convention met at the State capital, adjourned to Charleston, and here, Dec. 20, 1860, passed unanimously an Ordinance of Secession. By its terms the people of South Carolina, in convention assembled, repealed the ordinance of May 23, 1788, by which the Constitution had been ratified, and all Acts of the Legislature ratifying amendments to the Constitution, and declared the union between the State and other States, under the name of the United States of America, to be dissolved. By a similar process, similar ordinances were adopted by the State Conven-

tions of Mississippi (Jan. 9th), Florida (Jan. 10th), Alabama (Jan. 11th), Georgia (Jan. 19th), Louisiana (Jan. 25th), and Texas (Feb. 1st),—seven States in all.

Outside of South Carolina, the struggle in the States named turned on the calling of the convention; and in this matter the opposition was unexpectedly strong. We have the testimony of Alexander H. Stephens that the argument most effective in overcoming the opposition to the calling of a convention was: "We can make better terms out of the Union than in it." The necessary implication was that secession was not to be final; that it was only to be a temporary withdrawal until terms of compromise and security for the fugitive-slave law and for slavery in the Territories could be extorted from the North and West. The argument soon proved to be an intentional sham.

There has always been a difference between the theory of the State Convention at the North and at the South. At the North, barring a few very exceptional cases, the rule has been

that no action of a State Convention is valid until confirmed by popular vote. At the South, in obedience to the strictest application of State sovereignty, the action of the State Convention was held to be the voice of the people of the State, which needed no popular ratification. There was, therefore, no remedy when the State Conventions, after passing the ordinances of secession, went on to appoint delegates to a Confederate Congress, which met at Montgomery, Feb. 4, 1861, adopted a provisional constitution Feb. 8th, and elected a President and Vice-President Feb. 9th. The conventions ratified the provisional constitution and adjourned, their real object having been completely accomplished; and the people of the several seceding States, by the action of their omnipotent State Conventions, and without their having a word to say about it, found themselves under a new government, totally irreconcilable with the jurisdiction of the United States, and necessarily hostile to it. The only exception was Texas, whose State Convention

had been called in a method so utterly revolutionary that it was felt to be necessary to condone its defects by a popular vote.

No declaration had ever been made by any authority that the erection of such hostile power within the national boundaries of the United States would be followed by war; such a declaration would hardly seem necessary. The recognition of the original national boundaries of the United States had been extorted from Great Britain by successful warfare. They had been extended by purchase from France and Spain in 1803 and 1819, and again by war from Mexico in 1848. The United States stood ready to guarantee their integrity by war against all the rest of the world; was an ordinance of South Carolina, or the election of a *de facto* government within Southern borders, likely to receive different treatment than was given British troops at Bunker Hill, or Santa Anna's lancers at Buena Vista? Men forgot that the national boundaries had been so drawn as to include Vermont before Vermont's admission

and without Vermont's consent ; that unofficial propositions to divide Rhode Island between Connecticut and Massachusetts, to embargo commerce with North Carolina, and demand her share of the Confederation debt, had in 1789-90 been a sufficient indication that it was easier for a State to get into the American Union than to get out of it. It was a fact, nevertheless, that the national power to enforce the integrity of the Union had never been formally declared ; and the mass of men in the South, even though they denied the expediency, did not deny the right of secession, or acknowledge the right of coercion by the Federal Government. To reach the original area of secession with land-forces, it was necessary for the Federal Government to cross the Border States, whose people in general were no believers in the right of coercion. The first attempt to do so extended the secession movement by methods which were far more openly revolutionary than the original secessions. North Carolina and Arkansas seceded in orthodox fashion as soon as President Lincoln called for

volunteers after the capture of Fort Sumter. The State governments of Virginia and Tennessee concluded "military leagues" with the Confederacy, allowed Confederate troops to take possession of their States, and then submitted an ordinance of secession to the form of a popular vote. The State officers of Missouri were chased out of the State before they could do more than begin this process. In Maryland, the State government arrayed itself successfully against secession.

In selecting the representative opinions for this period, all the marked shades of opinion have been respected, both the Union and the anti-coercion sentiment of the Border States, the extreme secession spirit of the Gulf States, and, from the North, the moderate and the extreme Republican, and the orthodox Democratic, views. The feeling of the so-called "peace Democrats" of the North differed so little from those of Toombs or Iverson that it has not seemed advisable to do more than refer to Vallandigham's speech in opposition to the war, under the next period.

JOHN PARKER HALE,*

OF NEW HAMPSHIRE.¹

(BORN 1806, DIED 1873.)

ON SECESSION ; MODERATE REPUBLICAN OPINION ;
IN THE UNITED STATES SENATE, DECEMBER 5,
1860.²

MR. PRESIDENT :

I was very much in hopes when the message was presented that it would be a document which would commend itself cordially to somebody. I was not so sanguine about its pleasing myself, but I was in hopes that it would be one thing or another. I was in hopes that the President would have looked in the face the crisis in which he says the country is, and that his message would be either one thing or another. But, sir, I have read it somewhat carefully. I listened to it as it was read at the desk ; and, if I understand it—and I think I do—it is this : South Carolina has just cause for seceding from the Union ; that is the first

* For notes on Hale, see Appendix, p. 393.

proposition. The second is, that she has no right to secede. The third is, that we have no right to prevent her from seceding. That is the President's message, substantially.^a He goes on to represent this as a great and powerful country, and that no State has a right to secede from it; but the power of the country, if I understand the President, consists in what Dickens makes the English constitution to be—a power to do nothing at all.

Now, sir, I think it was incumbent upon the President of the United States to point out definitely and recommend to Congress some rule of action, and to tell us what he recommended us to do. But, in my judgment, he has entirely avoided it. He has failed to look the thing in the face. He has acted like the ostrich, which hides her head and thereby thinks to escape danger. Sir, the only way to escape danger is to look it in the face. I think the country did expect from the President some exposition of a decided policy; and I confess that, for one, I was rather indifferent as to what that policy was that he recommended; but I hoped that it would be something; that it would be decisive. He has utterly failed in that respect.

I think we may as well look this matter right clearly in the face; and I am not going to be long about doing it. I think that this state of affairs looks to one of two things: it looks to absolute submission, not on the part of our Southern friends and the Southern States, but of the North, to the abandonment of their position,—it looks to a surrender of that popular sentiment which has been uttered through the constituted forms of the ballot-box, or it looks to open war. We need not shut our eyes to the fact. It means war, and it means nothing else; and the State which has put herself in the attitude of secession, so looks upon it. She has asked no council, she has considered it as a settled question, and she has armed herself. As I understand the aspect of affairs, it looks to that, and it looks to nothing else except unconditional submission on the part of the majority. I did not read the paper—I do not read many papers—but I understand that there was a remedy suggested in a paper printed, I think, in this city, and it was that the President and the Vice-President should be inaugurated (that would be a great concession!) and then, being inaugurated, they should quietly resign! Well, sir, I am not entirely certain that that

would settle the question. I think that after the President and Vice-President-elect had resigned, there would be as much difficulty in settling who was to take their places as there was in settling it before.

I do not wish, sir, to say a word that shall increase any irritation; that shall add any feeling of bitterness to the state of things which really exists in the country, and I would bear and forbear before I would say any thing which would add to this bitterness. But I tell you, sir, the plain, true way is to look this thing in the face—see where we are. And I avow here—I do not know whether or not I shall be sustained by those who usually act with me—if the issue which is presented is that the constitutional will of the public opinion of this country, expressed through the forms of the Constitution, will not be submitted to, and war is the alternative, let it come in any form or in any shape. The Union is dissolved and it cannot be held together as a Union, if that is the alternative upon which we go into an election. If it is pre-announced and determined that the voice of the majority, expressed through the regular and constituted forms of the Constitution, will not be submitted to, then, sir, this is

not a Union of equals ; it is a Union of a dictatorial oligarchy on one side, and a herd of slaves and cowards on the other. That is it, sir ; nothing more, nothing less. * * *

ALFRED IVERSON,*

OF GEORGIA.¹

(BORN 1798, DIED 1874.)

ON SECESSION ; SECESSIONIST OPINION ; IN THE
UNITED STATES SENATE, DECEMBER 5, 1860.²

I DO not rise, Mr. President, for the purpose of entering at any length into this discussion, or to defend the President's message, which has been attacked by the Senator from New Hampshire.* I am not the mouth-piece of the President. While I do not agree with some portions of the message, and some of the positions that have been taken by the President, I do not perceive all the inconsistencies in that document which the Senator from New Hampshire has thought proper to present.

It is true, that the President denies the constitutional right of a State to secede from the Union ; while, at the same time, he also states that this Federal Government has no constitu-

* For notes on Iverson, see Appendix, p. 395.

tional right to enforce or to coerce a State back into the Union which may take upon itself the responsibility of secession. I do not see any inconsistency in that. The President may be right when he asserts the fact that no State has a constitutional right to secede from the Union. I do not myself place the right of a State to secede from the Union upon constitutional grounds. I admit that the Constitution has not granted that power to a State. It is exceedingly doubtful even whether the right has been reserved. Certainly it has not been reserved in express terms. I therefore do not place the expected action of any of the Southern States, in the present contingency, upon the constitutional right of secession ; and I am not prepared to dispute therefore, the position which the President has taken upon that point.

I rather agree with the President that the secession of a State is an act of revolution taken through that particular means or by that particular measure. It withdraws from the Federal compact, disclaims any further allegiance to it, and sets itself up as a separate government, an independent State. The State does it at its peril, of course, because it may or may not be cause of war by the remaining States composing

the Federal Government. If they think proper to consider it such an act of disobedience, or if they consider that the policy of the Federal Government be such that it cannot submit to this dismemberment, why then they may or may not make war if they choose upon the seceding States. It will be a question of course for the Federal Government or the remaining States to decide for themselves, whether they will permit a State to go out of the Union, and remain as a separate and independent State, or whether they will attempt to force her back at the point of the bayonet. That is a question, I presume, of policy and expediency, which will be considered by the remaining States composing the Federal Government, through their organ, the Federal Government, whenever the contingency arises.

But, sir, while a State has no power, under the Constitution, conferred upon it to secede from the Federal Government or from the Union, each State has the right of revolution, which all admit. Whenever the burdens of the government under which it acts become so onerous that it cannot bear them, or if anticipated evil shall be so great that the State believes it would be better off—even risking the perils of seces-

sion—out of the Union than in it, then that State, in my opinion, like all people upon earth has the right to exercise the great fundamental principle of self-preservation, and go out of the Union—though, of course, at its own peril—and bear the risk of the consequences. And while no State may have the constitutional right to secede from the Union, the President may not be wrong when he says the Federal Government has no power under the Constitution to compel the State to come back into the Union. It may be a *casus omissus* in the Constitution; but I should like to know where the power exists in the Constitution of the United States to authorize the Federal Government to coerce a sovereign State. It does not exist in terms, at any rate, in the Constitution. I do not think there is any inconsistency, therefore, between the two positions of the President in the message upon these particular points.

The only fault I have to find with the message of the President, is the inconsistency of another portion. He declares that, as the States have no power to secede, the Federal Government is in fact a consolidated government; that it is not a voluntary association of States. I deny it. It was a voluntary association of States. No State

was ever forced to come into the Federal Union. Every State came voluntarily into it. It was an association, a voluntary association of States; and the President's position that it is not a voluntary association is, in my opinion, altogether wrong.

But whether that be so or not, the President declares and assumes that this government is a consolidated government to this extent: that all the laws of the Federal Government are to operate directly upon each individual of the States, if not upon the States themselves, and must be enforced; and yet, at the same time, he says that the State which secedes is not to be coerced. He says that the laws of the United States must be enforced against every individual of a State.

Of course, the State is composed of individuals within its limits, and if you enforce the laws and obligations of the Federal Government against each and every individual of the State, you enforce them against a State. While, therefore, he says that a State is not to be coerced, he declares, in the same breath, his determination to enforce the laws of the Union, and therefore to coerce the State if a State goes out. There is the inconsistency, according

to my idea, which I do not see how the President or anybody else can reconcile. That the Federal Government is to enforce its laws over the seceding State, and yet not coerce her into obedience, is to me incomprehensible.

But I did not rise, Mr. President, to discuss these questions in relation to the message; I rose in behalf of the State that I represent, as well as other Southern States that are engaged in this movement, to accept the issue which the Senator from New Hampshire has seen fit to tender—that is, *of war*. Sir, the Southern States now moving in this matter are not doing it without due consideration. We have looked over the whole field. We believe that the only security for the institution to which we attach so much importance is secession and a Southern confederacy. We are satisfied, notwithstanding the disclaimers upon the part of the Black Republicans to the contrary, that they intend to use the Federal power, when they get possession of it, to put down and extinguish the institution of slavery in the Southern States. I do not intend to enter upon the discussion of that point. That, however, is my opinion. It is the opinion of a large majority of those with whom I associate at home, and I believe of the

Southern people. Believing that this is the intention and object, the ultimate aim and design, of the Republican party, the Abolitionists of the North, we do not intend to stay in this Union until we shall become so weak that we shall not be able to resist when the time comes for resistance. Our true policy is the one which we have made up our minds to follow. Our true policy is to go out of this Union now, while we have strength to resist any attempt on the part of the Federal Government to coerce us. * * *

We intend, Mr. President, to go out peaceably if we can, forcibly if we must; but I do not believe, with the Senator from New Hampshire, that there is going to be any war. If five or eight States go out, they will necessarily draw all the other Southern States after them. That is a consequence that nothing can prevent. If five or eight States go out of this Union, I should like to see the man that would propose a declaration of war against them, or attempt to force them into obedience to the Federal Government at the point of the bayonet or the sword.

Sir, there has been a good deal of vamping on this subject. A great many threats have

been thrown out. I have heard them on this floor, and upon the floor of the other House of Congress; but I have also perceived this: they come from those who would be the very last men to attempt to put their threats into execution. Men talk sometimes about their eighteen million who are to whip us; and yet we have heard of cases in which just such men had suffered themselves to be switched in the face, and trembled like sheep-stealing dogs, expecting to be shot every minute. These threats generally come from men who would be the last to execute them. Some of these Northern editors talk about whipping the Southern States like spaniels. Brave words; but I venture to assert none of those men would ever volunteer to command an army to be sent down South to coerce us into obedience to Federal power. * * * *

But, sir, I apprehend that when we go out and form our confederacy—as I think and hope we shall do very shortly—the Northern States, or the Federal Government, will see its true policy to be to let us go in peace and make treaties of commerce and amity with us, from which they will derive more advantages than from any attempt to coerce us. They cannot

succeed in coercing us. If they allow us to form our government without difficulty, we shall be very willing to look upon them as a favored nation and give them all the advantages of commercial and amicable treaties. I have no doubt that both of us—certainly the Southern States—would live better, more happily, more prosperously, and with greater friendship, than we live now in this Union.⁶

Sir, disguise the fact as you will, there is an enmity between the Northern and Southern people that is deep and enduring, and you never can eradicate it—never! Look at the spectacle exhibited on this floor. How is it? There are the Republican Northern Senators upon that side. Here are the Southern Senators on this side. How much social intercourse is there between us? You sit upon your side, silent and gloomy; we sit upon ours with knit brows and portentous scowls. Yesterday I observed that there was not a solitary man on that side of the Chamber came over here even to extend the civilities and courtesies of life; nor did any of us go over there. Here are two hostile bodies on this floor; and it is but a type of the feeling that exists between the two sections. We are enemies as much as if we

were hostile States. I believe that the Northern people hate the South worse than ever the English people hated France; and I can tell my brethren over there that there is no love lost upon the part of the South.

In this state of feeling, divided as we are by interest, by a geographical feeling, by every thing that makes two people separate and distinct, I ask why we should remain in the same Union together? We have not lived in peace; we are not now living in peace. It is not expected or hoped that we shall ever live in peace. My doctrine is that whenever even man and wife find that they must quarrel, and cannot live in peace, they ought to separate; and these two sections—the North and South—manifesting, as they have done and do now, and probably will ever manifest, feelings of hostility, separated as they are in interests and objects, my own opinion is they can never live in peace; and the sooner they separate the better.

Sir, these sentiments I have thrown out crudely I confess, and upon the spur of the occasion. I should not have opened my mouth but that the Senator from New Hampshire seemed to show a spirit of bravado, as if he intended to alarm and scare the Southern States

into a retreat from their movements. He says that war is to come, and you had better take care, therefore. That is the purport of his language ; of course those are not his words ; but I understand him very well, and everybody else, I apprehend, understands him that war is threatened, and therefore the South had better look out. Sir, I do not believe that there will be any war ; but if war is to come, let it come. We will meet the Senator from New Hampshire and all the myrmidons of Abolitionism and Black Republicanism everywhere, upon our own soil ; and in the language of a distinguished member from Ohio in relation to the Mexican War, we will "welcome you with bloody hands to hospitable graves."⁶

BENJAMIN WADE,*

OF OHIO.¹

(BORN 1800, DIED 1878.)

ON SECESSION, AND THE STATE OF THE UNION ;
REPUBLICAN OPINION ; SENATE OF THE UNITED
STATES, DECEMBER 17, 1860.²

MR. PRESIDENT :

At a time like this, when there seems to be a wild and unreasoning excitement in many parts of the country, I certainly have very little faith in the efficacy of any argument that may be made ; but at the same time, I must say, when I hear it stated by many Senators in this Chamber, where we all raised our hands to Heaven, and took a solemn oath to support the Constitution of the United States, that we are on the eve of a dissolution of this Union, and that the Constitution is to be trampled under foot

* For notes on Wade, see Appendix, p. 396.

—silence under such circumstances seems to me akin to treason itself.

I have listened to the complaints on the other side patiently, and with an ardent desire to ascertain what was the particular difficulty under which they were laboring. Many of those who have supposed themselves aggrieved have spoken; but I confess that I am now totally unable to understand precisely what it is of which they complain. Why, sir, the party which lately elected their President, and are prospectively to come into power, have never held an executive office under the General Government, nor has any individual of them. It is most manifest, therefore, that the party to which I belong have as yet committed no act of which anybody can complain. If they have fears as to the course that we may hereafter pursue, they are mere apprehensions—a bare suspicion; arising, I fear, out of their unwarrantable prejudices, and nothing else.

I wish to ascertain at the outset whether we are right; for I tell gentlemen that, if they can convince me that I am holding any political principle that is not warranted by the Constitution under which we live, or that trenches upon their rights, they need not ask me to

compromise it. I will be ever ready to grant redress, and to right myself whenever I am wrong. No man need approach me with a threat that the Government under which I live is to be destroyed; because I hope I have now, and ever shall have, such a sense of justice that, when any man shows me that I am wrong, I shall be ready to right it without price or compromise.

Now, sir, what is it of which gentlemen complain? When I left my home in the West to come to this place, all was calm, cheerful, and contented. I heard of no discontent. I apprehended that there was nothing to interrupt the harmonious course of our legislation. I did not learn that, since we adjourned from this place at the end of the last session, there had been any new fact intervening that should at all disturb the public mind. I do not know that there has been any encroachment upon the rights of any section of the country since that time; I came here, therefore, expecting to have a very harmonious session. It is very true, sir, that the great Republican party which has been organized ever since you repealed the Missouri Compromise, and who gave you, four years ago, full warning that their growing

strength would probably result as it has resulted, have carried the late election; but I did not suppose that would disturb the equanimity of this body. I did suppose that every man who was observant of the signs of the times might well see that things would result as they have resulted. Nor do I understand now that anything growing out of that election is the cause of the present excitement that pervades the country.

Why, Mr. President, this is a most singular state of things. Who is it that is complaining? They that have been in a minority? They that have been the subjects of an oppressive and aggressive Government? No, sir. Let us suppose that when the leaders of the old glorious Revolution met at Philadelphia eighty-four years ago to draw up a bill of indictment against a wicked King and his ministers, they had been at a loss what they should set forth as the causes of their complaint. They had no difficulty in setting them forth so that the great article of impeachment will go down to all posterity as a full justification of all the acts they did. But let us suppose that, instead of its being these old patriots who had met there to dissolve their connection with the British Gov-

ernment, and to trample their flag under foot, it had been the ministers of the Crown, the leading members of the British Parliament, of the dominant party that had ruled Great Britain for thirty years previous: who would not have branded every man of them as a traitor? It would be said: "You who have had the Government in your own hands: you who have been the ministers of the Crown, advising everything that has been done, set up here that you have been oppressed and aggrieved by the action of that very Government which you have directed yourselves." Instead of a sublime revolution, the uprising of an oppressed people, ready to battle against unequal power for their rights, it would have been an act of treason.

How is it with the leaders of this modern revolution? Are they in a position to complain of the action of this Government for years past? Why, sir, they have had more than two-thirds of the Senate for many years past, and until very recently, and have almost that now. You—who complain, I ought to say—represent but a little more than one-fourth of the free people of these United States, and yet your counsels prevail, and have prevailed

all along for at least ten years past. In the Cabinet, in the Senate of the United States, in the Supreme Court, in every department of the Government, your officers, or those devoted to you, have been in the majority, and have dictated all the policies of this Government. Is it not strange, sir, that they who now occupy these positions should come here and complain that their rights are stricken down by the action of the Government?

But what has caused this great excitement that undoubtedly prevails in a portion of our country? If the newspapers are to be credited, there is a reign of terror in all the cities and large towns in the southern portion of this community that looks very much like the reign of terror in Paris during the French revolution. There are acts of violence that we read of almost every day, wherein the rights of northern men are stricken down, where they are sent back with indignities, where they are scourged, tarred, feathered, and murdered, and no inquiry made as to the cause. I do not suppose that the regular Government, in times of excitement like these, is really responsible for such acts. I know that these outbreaks of passion, these terrible excitements that some-

times pervade the community, are entirely irrepressible by the law of the country. I suppose that is the case now ; because if these outrages against northern citizens were really authorized by the State authorities there, were they a foreign Government, everybody knows, if it were the strongest Government on earth, we should declare war upon her in one day.

But what has caused this great excitement ? Sir, I will tell you what I suppose it is. I do not (and I say it frankly) so much blame the people of the South ; because they believe, and they are led to believe by all the information that ever comes before them, that we, the dominant party to-day, who have just seized upon the reins of this Government, are their mortal enemies, and stand ready to trample their institutions under foot. They have been told so by our enemies at the North. Their misfortune, or their fault, is that they have lent a too easy ear to the insinuations of those who are our mortal enemies, while they would not hear us.

Now I wish to inquire, in the first place, honestly, candidly, and fairly, whether the Southern gentlemen on the other side of the Chamber that complain so much, have any

reasonable grounds for that complaint—I mean when they are really informed as to our position.

Northern Democrats have sometimes said that we had personal liberty bills in some few of the States of the North, which somehow trenched upon the rights of the South under the fugitive bill to recapture their runaway slaves; a position that in not more than two or three cases, so far as I can see, has the slightest foundation in fact; and even if those where it is most complained of, if the provisions of their law are really repugnant to that of the United States, they are utterly void, and the courts would declare them so the moment you brought them up. Thus it is that I am glad to hear the candor of those gentlemen on the other side, that they do not complain of these laws. The Senator from Georgia (Mr. Iverson) himself told us that they had never suffered any injury, to his knowledge and belief, from those bills, and they cared nothing about them. The Senator from Virginia (Mr. Mason) said the same thing; and, I believe, the Senator from Mississippi (Mr. Brown). You all, then, have given up this bone of contention, this matter of complaint which Northern men have

set forth as a grievance more than anybody else.

Mr. Mason. Will the Senator indulge me one moment.

Mr. Wade. Certainly.

Mr. Mason. I know he does not intend to misrepresent me or other gentlemen. What I said was, that the repeal of those laws would furnish no cause of satisfaction to the Southern States. Our opinions of those laws we gave freely. We said the repeal of those laws would give no satisfaction.

Mr. Wade. Mr. President, I do not intend to misrepresent anything. I understood those gentlemen to suppose that they had not been injured by them. I understood the Senator from Virginia to believe that they were enacted in a spirit of hostility to the institutions of the South, and to object to them not because the acts themselves had done them any hurt, but because they were really a stamp of degradation upon Southern men, or something like that—I do not quote his words. The other Senators that referred to it probably intended to be understood in the same way ; but they did acquit these laws of having done them injury to their knowledge or belief.

I do not believe that these laws were, as the Senator supposed, enacted with a view to exasperate the South, or to put them in a position of degradation. Why, sir, these laws against kidnapping are as old as the common law itself, as that Senator well knows. To take a freeman and forcibly carry him out of the jurisdiction of the State, has ever been, by all civilized countries, adjudged to be a great crime; and in most of them, wherever I have understood anything about it, they have penal laws to punish such an offence. I believe the State of Virginia has one to-day as stringent in all its provisions as almost any other of which you complain. I have not looked over the statute-books of the South; but I do not doubt that there will be found this species of legislation upon all your statute-books.

Here let me say, because the subject occurs to me right here, the Senator from Virginia seemed not so much to point out any specific acts that Northern people had done injurious to your property as, what he took to be a dishonor and a degradation. I think I feel as sensitive upon that subject as any other man. If I know myself, I am the last man that would

be the advocate of any law or any act that would humiliate or dishonor any section of this country, or any individual in it; and, on the other hand, let me tell these gentlemen I am exceedingly sensitive upon that same point, whatever they may think about it. I would rather sustain an injury than an insult or dishonor; and I would be as unwilling to inflict it upon others as I would be to submit to it myself. I never will do either the one or the other if I know it.

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I know that charges have been made and rung in our ears, and reiterated over and over again, that we have been unfaithful in the execution of your fugitive bill. Sir, that law is exceedingly odious to any free people. It deprives us of all the old guarantees of liberty that the Anglo-Saxon race everywhere have considered sacred—more sacred than anything else.

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Mr. President, the gentleman says, if I understood him, that these fugitives might be turned over to the authorities of the State from whence they came. That would be a

very poor remedy for a free man in humble circumstances who was taken under the provisions of this bill in a summary way, to be carried—where? Where he came from? There is no law that requires that he should be carried there. Sir, if he is a free man he may be carried into the market-place anywhere in a slave State; and what chance has he, a poor, ignorant individual, and a stranger, of asserting any rights there, even if there were no prejudices or partialities against him? That would be mere mockery of justice and nothing else, and the Senator well knows it. Sir, I know that from the stringent, summary provisions of this bill, free men have been kidnapped and carried into captivity and sold into everlasting slavery. Will any man who has a regard to the sovereign rights of the State rise here and complain that a State shall not make a law to protect her own people against kidnapping and violent seizures from abroad? Of all men, I believe those who have made most of these complaints should be the last to rise and deny the power of a sovereign State to protect her own citizens against any Federal legislation whatever. These liberty bills, in my judgment, have been passed, not with a view of degrading the South,

but with an honest purpose of guarding the rights of their own citizens from unlawful seizures and abductions. I was exceedingly glad to hear that the Senators on the other side had arisen in their places and had said that the repeal of those laws would not relieve the case from the difficulties under which they now labor.

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Gentlemen, it will be very well for us all to take a view of all the phases of this controversy before we come to such conclusions as seem to have been arrived at in some quarters. I make the assertion here that I do not believe, in the history of the world, there ever was a nation or a people where a law repugnant to the general feeling was ever executed with the same faithfulness as has been your most savage and atrocious fugitive bill in the North. You yourselves can scarcely point out any case that has come before any northern tribunal in which the law has not been enforced to the very letter. You ought to know these facts, and you do know them. You all know that when a law is passed anywhere to bind any people, who feel, in conscience, or for any other reason, opposed to its execution, it is not in human nature to

enforce it with the same certainty as a law that meets with the approbation of the great mass of the citizens. Every rational man understands this, and every candid man will admit it. Therefore it is that I do not violently impeach you for your unfaithfulness in the execution of many of your laws. You have in South Carolina a law by which you take free citizens of Massachusetts or any other maritime State, who visit the city of Charleston, and lock them up in jail under the penalty, if they cannot pay the jail-fees, of eternal slavery staring them in the face—a monstrous law, revolting to the best feelings of humanity and violently in conflict with the Constitution of the United States. I do not say this by way of recrimination; for the excitement pervading the country is now so great that I do not wish to add a single coal to the flame; but nevertheless I wish the whole truth to appear.

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Now, Mr. President, I have shown, I think, that the dominant majority here have nothing to complain of in the legislation of Congress, or in the legislation of any of the States, or in the practice of the people of the North, under the fugitive slave bill, except so far as they

say certain State legislation furnishes some evidence of hostility to their institutions. And here, sir, I beg to make an observation. I tell the Senator, and I tell all the Senators, that the Republican party of the Northern States, so far as I know, and of my own State in particular, hold the same opinions with regard to this peculiar institution of yours that are held by all the civilized nations of the world. We do not differ from the public sentiment of England, of France, of Germany, of Italy, and every other civilized nation on God's earth; and I tell you frankly that you never found, and you never will find, a free community that are in love with your peculiar institution. The Senator from Texas (Mr. Wigfall) told us the other day that cotton was king, and that by its influence it would govern all creation. He did not say so in words, but that was the substance of his remark: that cotton was king, and that it had its subjects in Europe who dared not rebel against it. Here let me say to that Senator, in passing, that it turns out that they are very rebellious subjects, and they are talking very disrespectfully at present of that king that he spoke of. They defy you to exercise your power over them. They tell you that they

sympathize in this controversy with what you call the black Republicans. Therefore, I hope that, so far as Europe is concerned at least, we shall hear no more of this boast that cotton is king ; and that he is going to rule all the civilized nations of the world, and bring them to his footstool. Sir, it will never be done.

But, sir, I wish to inquire whether the Southern people are injured by, or have any just right to complain of that platform of principles that we put out, and on which we have elected a President and Vice-President. I have no concealments to make, and I shall talk to you, my Southern friends, precisely as I would talk upon the stump on the subject. I tell you that in that platform we did lay it down that we would, if we had the power, prohibit slavery from another inch of free territory under this Government. I stand on that position to-day. I have argued it probably to half a million people. They stand there, and have commissioned and enjoined me to stand there forever ; and, so help me God, I will. I say to you frankly, gentlemen, that while we hold this doctrine, there is no Republican, there is no convention of Republicans, there is no paper that speaks for them, there is no orator

that sets forth their doctrines, who ever pretends that they have any right in your States to interfere with your peculiar institution ; but, on the other hand, our authoritative platform repudiates the idea that we have any right or any intention ever to invade your peculiar institution in your own States.

Now, what do you complain of ? You are going to break up this Government ; you are going to involve us in war and blood, from a mere suspicion that we shall justify that which we stand everywhere pledged not to do. Would you be justified in the eyes of the civilized world in taking so monstrous a position, and predicating it on a bare, groundless suspicion ? We do not love slavery. Did you not know that before to-day, before this session commenced ? Have you not a perfect confidence that the civilized world is against you on this subject of loving slavery or believing that it is the best institution in the world ? Why, sir, everything remains precisely as it was a year ago. No great catastrophe has occurred. There is no recent occasion to accuse us of anything. But all at once, when we meet here, a kind of gloom pervades the whole community and the Senate Chamber. Gentlemen

rise and tell us that they are on the eve of breaking up this Government, that seven or eight States are going to break off their connection with the Government, retire from the Union, and set up a hostile government of their own, and they look imploringly over to us, and say to us: "You can prevent it; we can do nothing to prevent it; but it all lies with you." Well, sir, what can we do to prevent it? You have not even condescended to tell us what you want; but I think I see through the speeches that I have heard from gentlemen on the other side. If we would give up the verdict of the people, and take your platform, I do not know but you would be satisfied with it. I think the Senator from Texas rather intimated, and I think the Senator from Georgia more than intimated, that if we would take what is exactly the Charleston platform on which Mr. Breckenridge was placed, and give up that on which we won our victory, you would grumblingly and hesitatingly be satisfied.

Mr. Iverson. I would prefer that the Senator would look over my remarks before quoting them so confidently. I made no such statement as that. I did not say that I would

be satisfied with any such thing. I would not be satisfied with it.

Mr. Wade. I did not say that the Senator said so ; but by construction I gathered that from his speech. I do not know that I was right in it.

Mr. Iverson. The Senator is altogether wrong in his construction.

Mr. Wade. Well, sir, I have now found what the Senator said on the other point to which he called my attention a little while ago. Here it is :

“ Nor do we suppose that there will be any overt acts upon the part of Mr. Lincoln. For one, I do not dread these overt acts. I do not propose to wait for them. Why, sir, the power of this Federal Government could be so exercised against the institution of slavery in the Southern States, as that, without an overt act, the institution would not last ten years. We know that, sir ; and seeing the storm which is approaching, although it may be seemingly in the distance, we are determined to seek our own safety and security before it shall burst upon us and overwhelm us with its fury, when we are not in a situation to defend ourselves.”

That is what the Senator said.

Mr. Iverson. Yes ; that is what I said.

Mr. Wade. Well, then, you did not expect that Mr. Lincoln would commit any overt act against the Constitution—that was not it—you

were not going to wait for that, but were going to proceed on your supposition that probably he might ; and that is the sense of what I said before.

Well, Mr. President, I have disavowed all intention on the part of the Republican party to harm a hair of your heads anywhere. We hold to no doctrine that can possibly work you an inconvenience. We have been faithful to the execution of all the laws in which you have any interest, as stands confessed on this floor by your own party, and as is known to me without their confessions. It is not, then, that Mr. Lincoln is expected to do any overt act by which you may be injured ; you will not wait for any ; but anticipating that the Government may work an injury, you say you will put an end to it, which means simply, that you intend either to rule or ruin this Government. That is what your complaint comes to ; nothing else. We do not like your institution, you say. Well, we never liked it any better than we do now. You might as well have dissolved the Union at any other period as now, on that account, for we stand in relation to it precisely as we have ever stood ; that is, repudiating it among ourselves as a matter of policy and morals, but

nevertheless admitting that where it is out of our jurisdiction, we have no hold upon it, and no designs upon it.

Then, sir, as there is nothing in the platform on which Mr. Lincoln was elected of which you complain, I ask, is there anything in the character of the President-elect of which you ought to complain? Has he not lived a blameless life? Did he ever transgress any law? Has he ever committed any violation of duty of which the most scrupulous can complain? Why, then, your suspicions that he will? I have shown that you have had the government all the time until, by some misfortune or maladministration, you brought it to the very verge of destruction, and the wisdom of the people had discovered that it was high time that the scepter should depart from you, and be placed in more competent hands; I say that this being so, you have no constitutional right to complain; especially when we disavow any intention so to make use of the victory we have won as to injure you at all.

This brings me, sir, to the question of compromises. On the first day of this session, a Senator rose in his place and offered a resolution for the appointment of a committee to in-

quire into the evils that exist between the different sections, and to ascertain what can be done to settle this great difficulty. That is the proposition substantially. I tell the Senator that I know of no difficulty; and as to compromises, I had supposed that we were all agreed that the day of compromises was at an end. The most solemn compromises we have ever made have been violated without a whereas. Since I have had a seat in this body, one of considerable antiquity, that had stood for more than thirty years, was swept away from your statute-books. When I stood here in the minority arguing against it; when I asked you to withhold your hand; when I told you it was a sacred compromise between the sections, and that when it was removed we should be brought face to face with all that sectional bitterness that has intervened; when I told you that it was a sacred compromise which no man should touch with his finger, what was your reply? That it was a mere act of Congress—nothing more, nothing less—and that it could be swept away by the same majority that passed it. That was true in point of fact, and true in point of law; but it showed the weakness of compromises. Now, sir, I only speak for my-

self; and I say that, in view of the manner in which other compromises have been heretofore treated, I should hardly think any two of the Democratic party would look each other in the face and say "compromise" without a smile. (Laughter.) A compromise to be brought about by act of Congress, after the experience we have had, is absolutely ridiculous.

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I say, then, that so far as I am concerned, I will yield to no compromise. I do not come here begging, either. It would be an indignity to the people that I represent if I were to stand here parleying as to the rights of the party to which I belong. We have won our right to the Chief Magistracy of this nation in the way that you have always won your predominance; and if you are as willing to do justice to others as to exact it from them, you would never raise an inquiry as to a committee for compromises. Here I beg, barely for myself, to say one thing more. Many of you stand in an attitude hostile to this Government; that is to say, you occupy an attitude where you threaten that, unless we do so and so, you will go out of this Union and destroy the Government. I say to you for myself, that, in my private capacity,

I never yielded to anything by way of threat, and in my public capacity I have no right to yield to any such thing; and therefore I would not entertain a proposition for any compromise, for, in my judgment, this long, chronic controversy that has existed between us must be met, and met upon the principles of the Constitution and laws, and met now. I hope it may be adjusted to the satisfaction of all; and I know no other way to adjust it, except that way which is laid down by the Constitution of the United States. Whenever we go astray from that, we are sure to plunge ourselves into difficulties. The old Constitution of the United States, although commonly and frequently in direct opposition to what I could wish, nevertheless, in my judgment, is the wisest and best constitution that ever yet organized a free Government; and by its provisions I am willing, and intend, to stand or fall. Like the Senator from Mississippi, I ask nothing more. I ask no ingrafting upon it. I ask nothing to be taken away from it. Under its provisions a nation has grown faster than any other in the history of the world ever did before in prosperity, in power, and in all that makes a nation great and glorious. It has

ministered to the advantages of this people; and now I am unwilling to add or take away anything till I can see much clearer than I can now that it wants either any addition or lopping off.

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The Senator from Texas says—it is not exactly his language—we will force you to an ignominious treaty up in Faneuil Hall. Well, sir, you may. We know you are brave; we understand your prowess; we want no fight with you; but, nevertheless, if you drive us to that necessity, we must use all the powers of this Government to maintain it intact in its integrity. If we are overthrown, we but share the fate of a thousand other Governments that have been subverted. If you are the weakest then you must go to the wall; and that is all there is about it. That is the condition in which we stand, provided a State sets herself up in opposition to the General Government.

I say that is the way it seems to me, as a lawyer. I see no power in the Constitution to release a Senator from this position. Sir, if there was any other, if there was an absolute right of secession in the Constitution of the United States when we stepped up there to

take our oath of office, why was there not an exception in that oath? Why did it not run "that we would support the Constitution of the United States unless our State shall secede before our term was out?" Sir, there is no such immunity. There is no way by which this can be done that I can conceive of, except it is standing upon the Constitution of the United States, demanding equal justice for all, and vindicating the old flag of the Union. We must maintain it, unless we are cloven down by superior force.

Well, sir, it may happen that you can make your way out of the Union, and that, by levying war upon the Government, you may vindicate your right to independence. If you should do so, I have a policy in my mind. No man would regret more than myself that any portion of the people of these United States should think themselves impelled, by grievances or anything else, to depart out of this Union, and raise a foreign flag and a hand against the General Government. If there was any just cause on God's earth that I could see that was within my reach of honorable release from any such pretended grievance, they should have it; but they set forth none; I can see none. It is all

a matter of prejudice, superinduced unfortunately, I believe, as I intimated before, more because you have listened to the enemies of the Republican party and what they said of us, while, from your intolerance, you have shut out all light as to what our real principles are. We have been called and branded in the North and in the South and everywhere else, as John Brown men, as men hostile to your institutions, as meditating an attack upon your institutions in your own States—a thing that no Republican ever dreamed of or ever thought of, but has protested against as often as the question has been up ; but your people believe it. No doubt they believe it because of the terrible excitement and reign of terror that prevails there. No doubt they think so, but it arises from false information, or the want of information—that is all. Their prejudices have been appealed to until they have become uncontrolled and uncontrollable.

Well, sir, if it shall be so ; if that “glorious Union,” as we call it, under which the Government has so long lived and prospered, is now about to come to a final end, as perhaps it may, I have been looking around to see what policy we should adopt ; and through that gloom

which has been mentioned on the other side, if you will have it so, I still see a glorious future for those who stand by the old flag of the nation.

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But, sir, I am for maintaining the Union of these States. I will sacrifice everything but honor to maintain it. That glorious old flag of ours, by any act of mine, shall never cease to wave over the integrity of this Union as it is. But if they will not have it so, in this new, renovated Government of which I have spoken, the 4th of July, with all its glorious memories, will never be repealed. The old flag of 1776 will be in our hands, and shall float over this nation forever; and this capital, that some gentlemen said would be reserved for the Southern republic, shall still be the capital. It was laid out by Washington; it was consecrated by him; and the old flag that he vindicated in the Revolution shall still float from the Capitol.

I say, sir, I stand by the Union of these States. Washington and his compatriots fought for that good old flag. It shall never be hauled down, but shall be the glory of the Government to which I belong, as long as my life shall con-

tinue. To maintain it, Washington and his compatriots fought for liberty and the rights of man. And here I will add that my own father, although but a humble soldier, fought in the same great cause, and went through hardships and privations sevenfold worse than death, in order to bequeath it to his children. It is my inheritance. It was my protector in infancy, and the pride and glory of my riper years; and, Mr. President, although it may be assailed by traitors on every side, by the grace of God, under its shadow I will die

JOHN JORDON CRITTENDEN,*

OF KENTUCKY.¹

(BORN 1787, DIED 1863.)

ON THE CRITTENDEN COMPROMISE ; UNITED STATES
SENATE, DECEMBER 18, 1860.²

I AM gratified, Mr. President, to see in the various propositions which have been made, such a universal anxiety to save the country from the dangerous dissensions which now prevail ; and I have, under a very serious view and without the least ambitious feeling whatever connected with it, prepared a series of constitutional amendments, which I desire to offer to the Senate, hoping that they may form, in part at least, some basis for measures that may settle the controverted questions which now so much agitate our country. Certainly, sir, I do not propose now any elaborate discussion of the

* For notes on Crittenden, see Appendix, p. 401.

subject. Before presenting these resolutions, however, to the Senate, I desire to make a few remarks explanatory of them, that the Senate may understand their general scope.

The questions of an alarming character are those which have grown out of the controversy between the northern and southern sections of our country in relation to the rights of the slave-holding States in the Territories of the United States, and in relation to the rights of the citizens of the latter in their slaves. I have endeavored by these resolutions to meet all these questions and causes of discontent, and by amendments to the Constitution of the United States, so that the settlement, if we happily agree on any, may be permanent, and leave no cause for future controversy. These resolutions propose, then, in the first place, in substance, the restoration of the Missouri Compromise, extending the line throughout the Territories of the United States to the eastern border of California, recognizing slavery in all the territory south of that line, and prohibiting slavery in all the territory north of it; with a provision, however, that when any of those Territories, north or south, are formed into States, they shall then be at liberty to exclude

or admit slavery as they please ; and that, in the one case or the other, it shall be no objection to their admission into the Union. In this way, sir, I propose to settle the question, both as to territory and slavery, so far as it regards the Territories of the United States.

I propose, sir, also, that the Constitution be so amended as to declare that Congress shall have no power to abolish slavery in the District of Columbia so long as slavery exists in the States of Maryland and Virginia ; and that they shall have no power to abolish slavery in any of the places under their special jurisdiction within the Southern States.

These are the constitutional amendments which I propose, and embrace the whole of them in regard to the questions of territory and slavery. There are other propositions in relation to grievances, and in relation to controversies, which I suppose are within the jurisdiction of Congress, and may be removed by the action of Congress. I propose, in regard to legislative action, that the fugitive slave law, as it is commonly called, shall be declared by the Senate to be a constitutional act, in strict pursuance of the Constitution. I propose to declare that it has been decided by the Supreme

Court of the United States to be constitutional, and that the Southern States are entitled to a faithful and complete execution of that law, and that no amendment shall be made hereafter to it which will impair its efficiency. But, thinking that it would not impair its efficiency, I have proposed amendments to it in two particulars. I have understood from gentlemen of the North that there is objection to the provision giving a different fee where the commissioner decides to deliver the slave to the claimant, from that which is given where he decides to discharge the alleged slave ; the law declares that in the latter case he shall have but five dollars, while in the other he shall have ten dollars—twice the amount in one case than in the other. The reason for this was very obvious. In case he delivers the servant to his claimant he is required to draw out a lengthy certificate, stating the principle and substantial grounds on which his decision rests, and to return him either to the marshal or to the claimant to remove him to the State from which he escaped. It was for that reason that a larger fee was given to the commissioner, where he had the largest service to perform. But, sir, the act being viewed unfavorably

and with great prejudice, in a certain portion of our country, this was regarded as very obnoxious, because it seemed to give an inducement to the commissioner to return the slave to the master, as he thereby obtained the larger fee of ten dollars instead of the smaller one of five dollars. I have said, let the fee be the same in both cases.

I have understood, furthermore, sir, that inasmuch as the fifth section of that law was worded somewhat vaguely, its general terms had admitted of the construction in the Northern States that all the citizens were required, upon the summons of the marshal, to go with him to hunt up, as they express it, and arrest the slave; and this is regarded as obnoxious. They have said, "in the Southern States you make no such requisition on the citizen"; nor do we, sir. The section, construed according to the intention of the framers of it, I suppose, only intended that the marshal should have the same right in the execution of process for the arrest of a slave that he has in all other cases of process that he is required to execute—to call on the *posse comitatus* for assistance where he is resisted in the execution of his duty, or where, having executed his duty by the arrest, an at-

tempt is made to rescue the slave. I propose such an amendment as will obviate this difficulty and limit the right of the master and the duty of the citizen to cases where, as in regard to all other process, persons may be called upon to assist in resisting opposition to the execution of the laws.

I have provided further, sir, that the amendment to the Constitution which I here propose, and certain other provisions of the Constitution itself, shall be unalterable, thereby forming a permanent and unchangeable basis for peace and tranquillity among the people. Among the provisions in the present Constitution, which I have by amendment proposed to render unalterable, is that provision in the first article of the Constitution which provides the rule for representation, including in the computation three-fifths of the slaves. That is to be rendered unchangeable. Another is the provision for the delivery of fugitive slaves. That is to be rendered unchangeable.

And with these provisions, Mr. President, it seems to me we have a solid foundation upon which we may rest our hopes for the restoration of peace and good-will among all the States of this Union, and all the people. I propose,

sir, to enter into no particular discussion. I have explained the general scope and object of my proposition. I have provided further, which I ought to mention, that, there having been some difficulties experienced in the courts of the United States in the South in carrying into execution the laws prohibiting the African slave trade, all additions and amendments which may be necessary to those laws to render them effectual should be immediately adopted by Congress, and especially the provision of those laws which prohibit the importation of African slaves into the United States. I have further provided it as a recommendation to all the States of this Union, that whereas laws have been passed of an unconstitutional character, (and all laws are of that character which either conflict with the constitutional acts of Congress, or which in their operation hinder or delay the proper execution of the acts of Congress,) which laws are null and void, and yet, though null and void, they have been the source of mischief and discontent in the country, under the extraordinary circumstances in which we are placed ; I have supposed that it would not be improper or unbecoming in Congress to recommend to the States, both North

and South, the repeal of all such acts of theirs as were intended to control, or intended to obstruct the operation of the acts of Congress, or which in their operation and in their application have been made use of for the purpose of such hindrance and opposition, and that they will repeal these laws or make such explanations or corrections of them as to prevent their being used for any such mischievous purpose.

I have endeavored to look with impartiality from one end of our country to the other; I have endeavored to search up what appeared to me to be the causes of discontent pervading the land; and, as far as I am capable of doing so, I have endeavored to propose a remedy for them. I am far from believing that, in the shape in which I present these measures, they will meet with the acceptance of the Senate. It will be sufficiently gratifying if, with all the amendments that the superior knowledge of the Senate may make to them, they shall, to any effectual extent, quiet the country.

Mr. President, great dangers surround us. The Union of these States is dear to the people of the United States. The long experience of its blessings, the mighty hopes of the future, have made it dear to the hearts of the Ameri-

can people. Whatever politicians may say, whatever of dissension may, in the heat of party politics, be created among our people, when you come down to the question of the existence of the Constitution, that is a question beyond all politics; that is a question of life and death. The Constitution and the Union are the life of this great people—yes, sir, the life of life. We all desire to preserve them, North and South; that is the universal desire. But some of the Southern States, smarting under what they conceive to be aggressions of their Northern brethren and of the Northern States, are not contented to continue this Union, and are taking steps, formidable steps, towards a dissolution of the Union, and towards the anarchy and the bloodshed, I fear, that are to follow. I say, sir, we are in the presence of great events. We must elevate ourselves to the level of the great occasion. No party warfare about mere party questions or party measures ought now to engage our attention. They are left behind; they are as dust in the balance. The life, the existence of our country, of our Union, is the mighty question; and we must elevate ourselves to all those considerations which belong to this high subject.

I hope, therefore, gentlemen will be disposed to bring the sincerest spirit of conciliation, the sincerest spirit and desire to adjust all these difficulties, and to think nothing of any little concessions of opinions that they may make, if thereby the Constitution and the country can be preserved.

The great difficulty here, sir—I know it ; I recognize it as the difficult question, particularly with the gentlemen from the North—is the admission of this line of division for the territory, and the recognition of slavery on the one side, and the prohibition of it on the other. The recognition of slavery on the southern side of that line is the great difficulty, the great question with them. Now, I beseech you to think, and you, Mr. President, and all, to think whether, for such a comparative trifle as that, the Union of this country is to be sacrificed. Have we realized to ourselves the momentous consequences of such an event ? When has the world seen such an event ? This is a mighty empire. Its existence spreads its influence throughout the civilized world. Its overthrow will be the greatest shock that civilization and free government have received ; more extensive in its consequences ; more fatal to mankind

and to the great principles upon which the liberty of mankind depends, than the French revolution with all its blood, and with all its war and violence. And all for what? Upon questions concerning this line of division between slavery and freedom? Why, Mr. President, suppose this day all the Southern States, being refused this right; being refused this partition; being denied this privilege, were to separate from the Northern States, and do it peacefully, and then were to come to you peacefully and say, "let there be no war between us; let us divide fairly the Territories of the United States": could the northern section of the country refuse so just a demand? What would you then give them? What would be the fair proportion? If you allowed them their fair relative proportion, would you not give them as much as is now proposed to be assigned on the southern side of that line, and would they not be at liberty to carry their slaves there, if they pleased? You would give them the whole of that; and then what would be its fate?

Is it upon the general principle of humanity, then, that you (addressing Republican Senators) wish to put an end to slavery, or is it to be urged by you as a mere topic and point of

party controversy to sustain party power? Surely I give you credit for looking at it upon broader and more generous principles. Then, in the worst event, after you have encountered disunion, that greatest of all political calamities to the people of this country, and the disunionists come, the separating States come, and demand or take their portion of the Territories, they can take, and will be entitled to take, all that will now lie on the southern side of the line which I have proposed. Then they will have a right to permit slavery to exist in it; and what do you gain for the cause of anti-slavery? Nothing whatever. Suppose you should refuse their demand, and claim the whole for yourselves, that would be a flagrant injustice which you would not be willing that I should suppose would occur. But if you did, what would be the consequence? A State north and a State south, and all the States, north and south, would be attempting to grasp at and seize this territory, and to get all of it that they could. That would be the struggle, and you would have war; and not only disunion, but all these fatal consequences would follow from your refusal now to permit slavery to exist, to recognize it as existing, on the

southern side of the proposed line, while you give to the people there the right to exclude it when they come to form a State government, if such should be their will and pleasure.

Now, gentlemen, in view of this subject, in view of the mighty consequences, in view of the great events which are present before you, and of the mighty consequences which are just now to take effect, is it not better to settle the question by a division upon the line of the Missouri Compromise? For thirty years we lived quietly and peacefully under it. Our people, North and South, were accustomed to look at it as a proper and just line. Can we not do so again? We did it then to preserve the peace of the country. Now you see this Union in the most imminent danger. I declare to you that it is my solemn conviction that unless something be done, and something equivalent to this proposition, we shall be a separated and divided people in six months from this time. That is my firm conviction. There is no man here who deplores it more than I do; but it is my sad and melancholy conviction that that will be the consequence. I wish you to realize fully the danger. I wish you to realize fully the consequences which are to follow. You

can give increased stability to this Union; you can give it an existence, a glorious existence, for great and glorious centuries to come, by now setting it upon a permanent basis, recognizing what the South considers as its rights; and this is the greatest of them all; it is that you should divide the territory by this line, and allow the people south of it to have slavery when they are admitted into the Union as States, and to have it during the existence of the territorial government. That is all. Is it not the cheapest price at which such a blessing as this Union was ever purchased? You think, perhaps, or some of you, that there is no danger, that it will but thunder and pass away. Do not entertain such a fatal delusion. I tell you it is not so. I tell you that as sure as we stand here disunion will progress. I fear it may swallow up even old Kentucky in its vortex—as true a State to the Union as yet exists in the whole Confederacy—unless something be done; but that you will have disunion, that anarchy and war will follow it, that all this will take place in six months, I believe as confidently as I believe in your presence. I want to satisfy you of the fact.

* * * * *

The present exasperation; the present feeling of disunion, is the result of a long-continued controversy on the subject of slavery and of territory. I shall not attempt to trace that controversy; it is unnecessary to the occasion, and might be harmful. In relation to such controversies, I will say, though, that all the wrong is never on one side, or all the right on the other. Right and wrong, in this world, and in all such controversies, are mingled together. I forbear now any discussion or any reference to the right or wrong of the controversy, the mere party controversy; but in the progress of party, we now come to a point where party ceases to deserve consideration, and the preservation of the Union demands our highest and our greatest exertions. To preserve the Constitution of the country is the highest duty of the Senate, the highest duty of Congress—to preserve it and to perpetuate it, that we may hand down the glories which we have received to our children and to our posterity, and to generations far beyond us. We are, Senators, in positions where history is to take notice of the course we pursue.

History is to record us. Is it to record that when the destruction of the Union was immi-

nent; when we saw it tottering to its fall; when we saw brothers arming their hands for hostility with one another, we stood quarrelling about points of party politics; about questions which we attempted to sanctify and to consecrate by appealing to our conscience as the source of them? Are we to allow such fearful catastrophes to occur while we stand trifling away our time? While we stand thus, showing our inferiority to the great and mighty dead, showing our inferiority to the high positions which we occupy, the country may be destroyed and ruined; and to the amazement of all the world, the great Republic may fall prostrate and in ruins, carrying with it the very hope of that liberty which we have heretofore enjoyed; carrying with it, in place of the peace we have enjoyed, nothing but revolution and havoc and anarchy. Shall it be said that we have allowed all these evils to come upon our country, while we were engaged in the petty and small disputes and debates to which I have referred? Can it be that our name is to rest in history with this everlasting stigma and blot upon it?

Sir, I wish to God it was in my power to preserve this Union by renouncing or agreeing

to give up every conscientious and other opinion. I might not be able to discard it from my mind ; I am under no obligation to do that. I may retain the opinion, but if I can do so great a good as to preserve my country and give it peace, and its institutions and its Union stability, I will forego any action upon my opinions. Well, now, my friends (addressing the Republican Senators), that is all that is asked of you. Consider it well, and I do not distrust the result. As to the rest of this body, the gentlemen from the South, I would say to them, can you ask more than this? Are you bent on revolution, bent on disunion. God forbid it. I cannot believe that such madness possesses the American people. This gives reasonable satisfaction. I can speak with confidence only of my own State. Old Kentucky will be satisfied with it, and she will stand by the Union and die by the Union if this satisfaction be given. Nothing shall seduce her. The clamor of no revolution, the seductions and temptations of no revolution, will tempt her to move one step. She has stood always by the side of the Constitution ; she has always been devoted to it, and is this day. Give her this satisfaction, and I believe all the States of

the South that are not desirous of disunion as a better thing than the Union and the Constitution, will be satisfied and will adhere to the Union, and we shall go on again in our great career of national prosperity and national glory.

But, sir, it is not necessary for me to speak to you of the consequences that will follow disunion. Who of us is not proud of the greatness we have achieved? Disunion and separation destroy that greatness. Once disunited, we are no longer great. The nations of the earth who have looked upon you as a formidable Power, and rising to untold and immeasurable greatness in the future, will scoff at you. Your flag, that now claims the respect of the world, that protects American property in every port and harbor of the world, that protects the rights of your citizens everywhere, what will become of it? What becomes of its glorious influence? It is gone; and with it the protection of American citizens and property. To say nothing of the national honor which it displayed to all the world, the protection of your rights, the protection of your property abroad is gone with that national flag, and we are hereafter to conjure and contrive different flags

for our different republics according to the feverish fancies of revolutionary patriots and disturbers of the peace of the world. No, sir; I want to follow no such flag. I want to preserve the union of my country. We have it in our power to do so, and we are responsible if we do not do it.

I do not despair of the Republic. When I see before me Senators of so much intelligence and so much patriotism, who have been so honored by their country, sent here as the guardians of that very union which is now in question, sent here as the guardians of our national rights, and as guardians of that national flag, I cannot despair; I cannot despond. I cannot but believe that they will find some means of reconciling and adjusting the rights of all parties, by concessions, if necessary, so as to preserve and give more stability to the country and to its institutions.

ROBERT TOOMBS,*

OF GEORGIA.¹

(BORN 1810—DIED 1885.)

ON SECESSION; SECESSIONIST OPINION; IN THE
UNITED STATES SENATE, JANUARY 7, 1861.²

MR. PRESIDENT AND SENATORS :

The success of the Abolitionists and their allies, under the name of the Republican party, has produced its logical results already. They have for long years been sowing dragons' teeth, and have finally got a crop of armed men. The Union, sir, is dissolved. That is an accomplished fact in the path of this discussion that men may as well heed. One of your confederates has already, wisely, bravely, boldly, confronted public danger, and she is only ahead of many of her sisters because of her greater facility for speedy action.³ The greater majority of those sister States, under like circumstances, consider her cause as their cause; and I charge you in their name to-day, "Touch

* For notes on Toombs, see Appendix, p. 406.

not Saguntum." It is not only their cause, but it is a cause which receives the sympathy and will receive the support of tens and hundreds of thousands of honest patriotic men in the non-slave-holding States, who have hitherto maintained constitutional rights, and who respect their oaths, abide by compacts, and love justice. And while this Congress, this Senate, and this House of Representatives, are debating the constitutionality and the expediency of seceding from the Union, and while the perfidious authors of this mischief are showering down denunciations upon a large portion of the patriotic men of this country, those brave men are coolly and calmly voting what you call revolution—ay, sir, doing better than that: arming to defend it. They appealed to the Constitution, they appealed to justice, they appealed to fraternity, until the Constitution, justice, and fraternity were no longer listened to in the legislative halls of their country, and then, sir, they prepared for the arbitrament of the sword; and now you see the glittering bayonet, and you hear the tramp of armed men from your Capitol to the Rio Grande. It is a sight that gladdens the eyes and cheers the heart of other millions ready to second them.

Inasmuch, sir, as I have labored earnestly, honestly, sincerely, with these men to avert this necessity so long as I deemed it possible, and inasmuch as I heartily approve their present conduct of resistance, I deem it my duty to state their case to the Senate, to the country, and to the civilized world.

Senators, my countrymen have demanded no new government; they have demanded no new constitution. Look to their records at home and here from the beginning of this national strife until its consummation in the disruption of the empire, and they have not demanded a single thing except that you shall abide by the Constitution of the United States; that constitutional rights shall be respected, and that justice shall be done. Sirs, they have stood by your Constitution; they have stood by all its requirements; they have performed all its duties unselfishly, uncalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind, with having made proclamation of outlawry against four thousand millions of their property in the Territories of the United States; with

having put them under the ban of the empire in all the States in which their institutions exist, outside the protection of Federal laws; with having aided and abetted insurrection from within and invasion from without, with the view of subverting those institutions, and desolating their homes and their firesides. For these causes they have taken up arms. I shall proceed to vindicate the justice of their demands, the patriotism of their conduct. I will show the injustice which they suffer and the rightfulness of their resistance.

I shall not spend much time on the question that seems to give my honorable friend (Mr. Crittenden) so much concern—the constitutional right of a State to secede from this Union. Perhaps he will find out after a while that it is a fact accomplished. You have got it in the South pretty much both ways. South Carolina has given it to you regularly, according to the approved plan. You are getting it just below there (in Georgia), I believe, irregularly, outside of the law, without regular action.⁴ You can take it either way. You will find armed men to defend both. I have stated that the discontented States of this Union have demanded *nothing* but clear, distinct, unequivocal

cal, well-acknowledged constitutional rights; rights affirmed by the highest judicial tribunals of their country; rights older than the Constitution; rights which are planted upon the immutable principles of natural justice; rights which have been affirmed by the good and the wise of all countries, and of all centuries. We demand no power to injure any man. We demand no right to injure our confederate States. We demand no right to interfere with their institutions, either by word or deed. We have no right to disturb their peace, their tranquillity, their security. We have demanded of them simply, solely—nothing else—to give us *equality, security, and tranquillity*. Give us these, and peace restores itself. Refuse them, and take what you can get.

I will now read my own demands, acting under my own convictions, and the universal judgment of my countrymen. They are considered the demands of an extremist. To hold to a constitutional right now makes one considered as an extremist—I believe that is the appellation these traitors and villains, North and South, employ. I accept their reproach rather than their principles. Accepting their designation of treason and rebellion, there stands before

them as good a traitor, and as good a rebel as ever descended from revolutionary loins.

What do the rebels demand? First, "that the people of the United States shall have an equal right to emigrate and settle in the present or any future acquired territories, with whatever property they may possess (including slaves), and be securely protected in its peaceable enjoyment until such Territory may be admitted as a State into the Union, with or without slavery, as she may determine, on an equality with all existing States." That is our territorial demand. We have fought for this Territory when blood was its price. We have paid for it when gold was its price. We have not proposed to exclude you, though you have contributed very little of blood or money. I refer especially to New England. We demand only to go into those Territories upon terms of equality with you; as equals in this great Confederacy, to enjoy the common property of the whole Union, and receive the protection of the common government, until the Territory is capable of coming into the Union as a sovereign State, when it may fix its own institutions to suit itself.

The second proposition is, "that property in slaves shall be entitled to the same protection

from the Government of the United States, in all of its departments, everywhere, which the Constitution confers the power upon it to extend to any other property, provided nothing herein contained shall be construed to limit or restrain the right now belonging to every State to prohibit, abolish, or establish and protect slavery within its limits." We demand of the common government to use its granted powers to protect our property as well as yours.* For this protection we pay as much as you do. This very property is subject to taxation. It has been taxed by you and sold by you for taxes. The title to thousands and tens of thousands of slaves is derived from the United States. We claim that the Government, while the Constitution recognizes our property for the purposes of taxation, shall give it the same protection that it gives yours. Ought it not to be so? You say no. Every one of you upon the committee said no. Your Senators say no. Your House of Representatives says no. Throughout the length and breadth of your conspiracy against the Constitution, there is but one shout of no! This recognition of this right is the price of my allegiance. Withhold it, and you do not get my obedience. This is the philosophy of the

armed men who have sprung up in this country. Do you ask me to support a government that will tax my property; that will plunder me; that will demand my blood, and will not protect me? I would rather see the population of my native State laid six feet beneath her sod than they should support for one hour such a government. Protection is the price of obedience everywhere, in all countries. It is the only thing that makes government respectable. Deny it and you cannot have free subjects or citizens; you may have slaves.

We demand, in the next place, "that persons committing crimes against slave property in one State, and fleeing to another, shall be delivered up in the same manner as persons committing crimes against other property, and that the laws of the State from which such persons flee shall be the test of criminality." That is another one of the demands of an extremist and rebel. The Constitution of the United States, article four, section two, says:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be

removed to the State having jurisdiction of the crime." But the non-slave-holding States, treacherous to their oaths and compacts, have steadily refused, if the criminal only stole a negro, and that negro was a slave, to deliver him up. It was refused twice on the requisition of my own State as long as twenty-two years ago. It was refused by Kent and by Fairfield, Governors of Maine, and representing, I believe, each of the then Federal parties. We appealed then to fraternity, but we submitted; and this constitutional right has been practically a dead letter from that day to this. The next case came up between us and the State of New York, when the present senior Senator (Mr. Seward) was the Governor of that State; and he refused it. Why? He said it was not against the laws of New York to steal a negro, and therefore he would not comply with the demand. He made a similar refusal to Virginia. Yet these are our confederates; these are our sister States! There is the bargain; there is the compact. You have sworn to it. Both these Governors swore to it. The Senator from New York swore to it. The Governor of Ohio swore to it when he was inaugurated. You cannot bind them by oaths.

Yet they talk to us of treason ; and I suppose they expect to whip freemen into loving such brethren ! They will have a good time in doing it !

It is natural we should want this provision of the Constitution carried out. The Constitution says slaves are property ; the Supreme Court says so ; the Constitution says so. The theft of slaves is a crime ; they are a subject-matter of felonious asportation. By the text and letter of the Constitution you agreed to give them up. You have sworn to do it, and you have broken your oaths. Of course, those who have done so look out for pretexts. Nobody expected them do otherwise. I do not think I ever saw a perjurer, however bald and naked, who could not invent some pretext to palliate his crime, or who could not, for fifteen shillings, hire an Old Bailey lawyer to invent some for him. Yet this requirement of the Constitution is another one of the extreme demands of an extremist and a rebel.

The next stipulation is that fugitive slaves shall be surrendered under the provisions of the fugitive-slave act of 1850, without being entitled either to a writ of *habeas corpus*, or trial by jury, or other similar obstructions of legislation,

in the State to which he may flee. Here is the Constitution :

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

This language is plain, and everybody understood it the same way for the first forty years of your government. In 1793, in Washington's time, an act was passed to carry out this provision. It was adopted unanimously in the Senate of the United States, and nearly so in the House of Representatives. Nobody then had invented pretexts to show that the Constitution did not mean a negro slave. It was clear; it was plain. Not only the Federal courts, but all the local courts in all the States, decide that this was a constitutional obligation. How is it now? The North sought to evade it; following the instincts of their natural character, they commenced with the fraudulent fiction that fugitives were entitled to *habeas corpus*, entitled to trial by jury in the State to which they fled. They pretended to believe

that our fugitive slaves were entitled to more rights than their white citizens; perhaps they were right, they know one another better than I do. You may charge a white man with treason, or felony, or other crime, and you do not require any trial by jury before he is given up; there is nothing to determine but that he is legally charged with a crime and that he fled, and then he is to be delivered up upon demand. White people are delivered up every day in this way; but not slaves. Slaves, black people, you say, are entitled to trial by jury; and in this way schemes have been invented to defeat your plain constitutional obligations. * * *

The next demand made on behalf of the South is, "that Congress shall pass effective laws for the punishment of all persons in any of the States who shall in any manner aid and abet invasion or insurrection in any other State, or commit any other act against the laws of nations, tending to disturb the tranquillity of the people or government of any other State." That is a very plain principle. The Constitution of the United States now requires, and gives Congress express power, to define and punish piracies and felonies committed on the high seas, and *offences against the laws of na-*

tions. When the honorable and distinguished Senator from Illinois (Mr. Douglas) last year introduced a bill for the purpose of punishing people thus offending under that clause of the Constitution, Mr. Lincoln, in his speech at New York, which I have before me, declared that it was a "sedition bill"; his press and party hooted at it.' So far from recognizing the bill as intended to carry out the Constitution of the United States, it received their jeers and jibes. The Black Republicans of Massachusetts elected the admirer and eulogist of John Brown's courage as their governor,⁸ and we may suppose he will throw no impediments in the way of John Brown's successors. The epithet applied to the bill of the Senator from Illinois is quoted from a deliberate speech delivered by Lincoln in New York, for which, it was stated in the journals, according to some resolution passed by an association of his own party, he was paid a couple of hundred dollars. The speech should therefore have been deliberate. Lincoln denounced that bill. He places the stamp of his condemnation upon a measure intended to promote the peace and security of confederate States. He is, therefore, an enemy of the human race, and deserves the execration of all mankind.

We demand these five propositions. Are they not right? Are they not just? Take them in detail, and show that they are not warranted by the Constitution, by the safety of our people, by the principles of eternal justice. We will pause and consider them; but mark me, we will not let you decide the question for us. * * *

Senators, the Constitution is a compact. It contains all our obligations and the duties of the Federal Government. I am content and have ever been content to sustain it. While I doubt its perfection, while I do not believe it was a good compact, and while I never saw the day that I would have voted for it as a proposition *de novo*, yet I am bound to it by oath and by that common prudence which would induce men to abide by established forms rather than to rush into unknown dangers. I have given to it, and intend to give to it, unfaltering support and allegiance, but I choose to put that allegiance on the true ground, not on the false idea that anybody's blood was shed for it. I say that the Constitution is the whole compact. All the obligations, all the chains that fetter the limbs of my people, are nominated in the bond, and they wisely excluded any conclusion

against them, by declaring that "the powers not granted by the Constitution to the United States, or forbidden by it to the States, belonged to the States respectively or the people." Now I will try it by that standard; I will subject it to that test. The law of nature, the law of justice, would say—and it is so expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of the public property. Even in a despotic government this principle is recognized. It was the blood and the money of the whole people (says the learned Grotius, and say all the publicists) which acquired the public property, and therefore it is not the property of the sovereign. This right of equality being, then, according to justice and natural equity, a right belonging to all States, when did we give it up? You say Congress has a right to pass rules and regulations concerning the Territory and other property of the United States. Very well. Does that exclude those whose blood and money paid for it? Does "dispose of" mean to rob the rightful owners? You must show a better title than that, or a better sword than we have.

But, you say, try the right. I agree to it. But how? By our judgment? No, not until the last resort. What then; by yours? No, not until the same time. How then try it? The South has always said, by the Supreme Court. But that is in our favor, and Lincoln says he will not stand that judgment.¹⁰ Then each must judge for himself of the mode and manner of redress. But you deny us that privilege, and finally reduce us to accepting your judgment. The Senator from Kentucky comes to your aid, and says he can find no constitutional right of secession. Perhaps not; but the Constitution is not the place to look for State rights. If that right belongs to independent States, and they did not cede it to the Federal Government, it is reserved to the States, or to the people. Ask your new commentator where he gets the right to judge for us. Is it in the bond?

The Northern doctrine was, many years ago, that the Supreme Court was the judge. That was their doctrine in 1800. They denounced Madison for the report of 1799, on the Virginia resolutions; they denounced Jefferson for framing the Kentucky resolutions, because they were presumed to impugn the decisions of the

Supreme Court of the United States; and they declared that that court was made, by the Constitution, the ultimate and supreme arbiter. That was the universal judgment—the declaration of every free State in this Union, in answer to the Virginia resolutions of 1798, or of all who did answer, even including the State of Delaware, then under Federal control.

The Supreme Court have decided that, by the Constitution, we have a right to go to the Territories and be protected there with our property. You say, we cannot decide the compact for ourselves. Well, can the Supreme Court decide it for us? Mr. Lincoln says he does not care what the Supreme Court decides, he will turn us out anyhow. He says this in his debate with the honorable member from Illinois [Mr. Douglas]. I have it before me. He said he would vote against the decision of the Supreme Court. Then you did not accept that arbiter. You will not take my construction; you will not take the Supreme Court as an arbiter; you will not take the practice of the government; you will not take the treaties under Jefferson and Madison; you will not take the opinion of Madison upon the very question of prohibition in 1820. What, then, will you

take? You will take nothing but your own judgment; that is, you will not only judge for yourselves, not only discard the court, discard our construction, discard the practice of the government, but you will drive us out, simply because you will it. Come and do it! You have sapped the foundations of society; you have destroyed almost all hope of peace. In a compact where there is no common arbiter, where the parties finally decide for themselves, the sword alone at last becomes the real, if not the constitutional, arbiter. Your party says that you will not take the decision of the Supreme Court. You said so at Chicago;¹¹ you said so in committee; every man of you in both Houses says so. What are you going to do? You say *we shall submit to your construction*. We shall do it, if you can make us; but not otherwise, or in any other manner. That is settled. You may call it secession, or you may call it revolution; but there is a big fact standing before you, ready to oppose you—that fact is, freemen with arms in their hands. The cry of the Union will not disperse them; we have passed that point; they demand equal rights; you had better heed the demand. * * *¹²

SAMUEL SULLIVAN COX,*

OF OHIO.¹

(BORN, 1824—DIED, 1889.)

ON SECESSION ; DOUGLAS DEMOCRATIC OPINION ;
IN THE HOUSE OF REPRESENTATIVES,
JANUARY 14, 1861.²

MR. CHAIRMAN :

I speak from and for the capital of the greatest of the States of the great West. That potential section is beginning to be appalled at the colossal strides of revolution. It has immense interests at stake in this Union, as well from its position as its power and patriotism. We have had infidelity to the Union before, but never in such a fearful shape. We had it in the East during the late war with England. Even so late as the admission of Texas, Massachusetts resolved herself out of the Union. That resolution has never been repealed, and one would infer, from much of her conduct, that she did not regard herself as bound by our covenant. Since 1856, in the North, we have had infidelity

* For notes on Cox. see Appendix, p. 410.

to the Union, more insidious infractions of the Constitution than by open rebellion. Now, sir, as a consequence, in part, of these very infractions, we have rebellion itself, open and daring, in terrific proportions, with dangers so formidable as to seem almost remediless. * * *

I would not exaggerate the fearful consequences of dissolution. It is the breaking up of a federative Union, but it is not like the breaking up of society. It is not anarchy. A link may fall from the chain, and the link may still be perfect, though the chain have lost its length and its strength. In the uniformity of commercial regulations, in matters of war and peace, postal arrangements, foreign relations, coinage, copyrights, tariff, and other Federal and national affairs, this great government may be broken; but in most of the essential liberties and rights which government is the agent to establish and protect, the seceding State has no revolution, and the remaining States can have none. This arises from that refinement of our polity which makes the States the basis of our instituted labor. Greece was broken by the Persian power, but her municipal institutions remained. Hungary lost her national crown, but her home institutions

remain. South Carolina may preserve her constituted domestic authority, but she must be content to glimmer obscurely remote rather than shine and revolve in a constellated band. She even goes out by the ordinance of a so-called sovereign convention, content to lose by her isolation that youthful, vehement, exultant, progressive life, which is our NATIONALITY! She foregoes the hopes, the boasts, the flag, the music, all the emotions, all the traits, and all the energies which, when combined in our United States, have won our victories in war and our miracles of national advancement. Her Governor, Colonel Pickens, in his inaugural, regretfully "looks back upon the inheritance South Carolina had in the common glories and triumphant power of this wonderful confederacy, and fails to find language to express the feelings of the human heart as he turns from the contemplation." The ties of brotherhood, interest, lineage, and history are all to be severed. No longer are we to salute a South Carolinian with the "*idem sententiam de republica*," which makes unity and nationality. What a *prestige* and glory are here dimmed and lost in the contaminated reason of man!

Can we realize it? Is it a masquerade, to

last for a night, or a reality to be dealt with, with the world's rough passionate handling? It is sad and bad enough; but let us not over-tax our anxieties about it as yet. It is not the sanguinary regime of the French revolution; not the rule of assignats and guillotine; not the cry of "*Vivent les Rouges! A mort les gendarmes!*" but as yet, I hope I may say, the peaceful attempt to withdraw from the burdens and benefits of the Republic. Thus it is unlike every other revolution. Still it is revolution. It may, according as it is managed, involve consequences more terrific than any revolution since government began.

If the Federal Government is to be maintained, its strength must not be frittered away by conceding the theory of secession. To concede secession as a right, is to make its pathway one of roses and not of thorns. I would not make its pathway so easy. If the government has any strength for its own preservation, the people demand it should be put forth in its civil and moral forces. Dealing, however, with a sensitive public sentiment, in which this strength reposes, it must not be rudely exercised. It should be the iron hand in the glove of velvet. Firmness should be allied with kind-

ness. Power should assert its own prerogative, but in the name of law and love. If these elements are not thus blended in our policy, as the Executive proposes, our government will prove either a garment of shreds or a coat of mail. We want neither. * * *

Before we enter upon a career of force, let us exhaust every effort at peace. Let us seek to excite love in others by the signs of love in ourselves. Let there be no needless provocation and strife. Let every reasonable attempt at compromise be considered. Otherwise we have a terrible alternative. War, in this age and in this country, sir, should be the *ultima ratio*. Indeed, it may well be questioned whether there is any reason in it for war. What a war! Endless in its hate, without truce and without mercy. If it ended ever, it would only be after a fearful struggle; and then with a heritage of hate which would forever forbid harmony. * * *

Small States and great States; new States and old States; slave States and free States; Atlantic States and Pacific States; gold and silver States; iron and copper States; grain States and lumber States; river States and lake States;—all having varied interests and

advantages, would seek superiority in armed strength. Pride, animosity, and glory would inspire every movement. God shield our country from such a fulfilment of the prophecy of the revered founders of the Union! Our struggle would be no short, sharp struggle. Law, and even religion herself, would become false to their divine purpose. Their voice would no longer be the voice of God, but of his enemy. Poverty, ignorance, oppression, and its hand-maid, cowardice, breaking out into merciless cruelty; slaves false; freemen slaves, and society itself poisoned at the cradle and dishonored at the grave;—its life, now so full of blessings, would be gone with the life of a fraternal and united Statehood. What sacrifice is too great to prevent such a calamity? Is such a picture overdrawn? Already its outlines appear. What means the inaugural of Governor Pickens, when he says: "From the position we may occupy toward the Northern States, as well as from our own internal structure of society, the government may, *from necessity, become strongly military* in its organization"? What mean the minute-men of Governor Wise? What the Southern boast that they have a rifle or shot-gun to each family?

What means the Pittsburgh mob? What this alacrity to save Forts Moultrie and Pinckney? What means the boast of the Southern men of being the best-armed people in the world, not counting the two hundred thousand stand of United States arms stored in Southern arsenals? Already Georgia has her arsenals, with eighty thousand muskets. What mean these lavish grants of money by Southern Legislatures to buy more arms? What mean these rumors of arms and force on the Mississippi? These few facts have already verified the prophecy of Madison as to a disunited Republic.

Mr. Speaker, he alone is just to his country, he alone has a mind unwarped by section, and a memory unparalyzed by fear, who warns against precipitancy. He who could hurry this nation to the rash wager of battle is not fit to hold the seat of legislation. What can justify the breaking up of our institutions into belligerent fractions? Better this marble Capitol were levelled to the dust; better were this Congress struck dead in its deliberations; better an immolation of every ambition and passion which here have met to shake the foundations of society than the hazard of these consequences! * * * I appeal to Southern men,

who contemplate a step so fraught with hazard and strife, to pause. Clouds are about us! There is lightning in their frown! Cannot we direct it harmlessly to the earth? The morning and evening prayer of the people I speak for in such weakness rises in strength to that Supreme Ruler who, in noticing the fall of a sparrow, cannot disregard the fall of a nation, that our States may continue to be as they have been—*one*; one in the unreserve of a mingled national being; one as the thought of God is one!

JEFFERSON DAVIS,*

OF MISSISSIPPI.¹

(BORN 1808, DIED 1889.)

ON WITHDRAWAL FROM THE UNION ; SECESSIONIST
OPINION ; UNITED STATES SENATE, JANUARY
21, 1861.²

I RISE, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course my functions are terminated here. It has seemed to me proper, however, that I should appear in the Senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument, and my physical condition would not permit me to do so if it were other-

* For notes on Davis. see Appendix, p. 413.

wise ; and yet it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this.

It is known to Senators who have served with me here, that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause ; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the Government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think that she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counselled them then that if the state of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of mine with the advocacy of the right of a State to remain in the Union, and to disregard its constitutional obligations by the nullification of the law. Such is not my theory.

Nullification and secession, so often confounded, are indeed antagonistic principles. Nullification is a remedy which it is sought to apply within the Union, and against the agent of the States. It is only to be justified when the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States, have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification, because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of a severance of the ties which bound South Carolina to the other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of

bringing the agent before the tribunal of the States for their judgment.

Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again, when a better comprehension of the theory of our Government, and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me to the important point which I wish on this last occasion to present to the Senate. It is by this confounding of nullification and secession that the name of the great man, whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceded State. The phrase "to execute the laws," was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union. That is not the case which is

now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation to any foreign country. It is a perversion of terms, at least it is a great misapprehension of the case, which cites that expression for application to a State which has withdrawn from the Union. You may make war on a foreign State. If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union ; but there are no laws of the United States to be executed within the limits of a seceded State. A State finding herself in the condition in which Mississippi has judged she is, in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits (and they are known to be many), deprives herself of the advantages (they are known to be great), severs all the ties of affection (and they are close and enduring) which have bound her to the Union ; and thus divesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

I well remember an occasion when Massachu-

setts was arraigned before the bar of the Senate, and when then the doctrine of coercion was rife and to be applied against her because of the rescue of a fugitive slave in Boston.³ My opinion then was the same that it is now. Not in a spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time and that occasion as containing the opinion which I then entertained, and on which my present conduct is based. I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the last step which separates her from the Union, it is her right to go, and I will neither vote one dollar or one man to coerce her back; but will say to her, God speed, in memory of the kind associations which once existed between her and the other States.

It has been a conviction of pressing necessity, it has been a belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions; and the sacred Declaration of Independence has been

invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the end to which their enunciation was directed. They have no reference to the slave; else, how happened it that among the items of arraignment made against George III. was that he endeavored to do just what the North had been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was the

Prince to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the colonies to sever their connection with the mother country? When our Constitution was formed, the same idea was rendered more palpable, for there we find provision made for that very class of persons as property ; they were not put upon the footing of equality with white men—not even upon that of paupers and convicts ; but, so far as representation was concerned, were discriminated against as a lower caste, only to be represented in the numerical proportion of three-fifths.

Then, Senators, we recur to the compact which binds us together ; we recur to the principles upon which our Government was founded ; and when you deny them, and when you deny to us the right to withdraw from a Government which, thus perverted, threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence, and take the hazard. This is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit ; but from the high and solemn motive of defending and protecting the

rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents towards yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well; and such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and thus, putting our trust in God, and in our own firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of Sena-

tors, I see now around me some with whom I have served long; there have been points of collision; but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting to offer you my apology for any pain which, in heat of discussion, I have inflicted. I go hence unencumbered of the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.

Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.

APPENDIX.

NOTES.

SALMON P. CHASE.

1. Salmon Portland Chase was born at Cornish, N. H., January 13, 1808 ; graduated at Dartmouth College in 1826 ; studied law at Washington City under William Wirt, and was admitted to the Bar in 1829 ; began the practice of law at Cincinnati in 1830 ; compiled a notable edition of the Statutes of Ohio ; became prominent in 1837 as defender of persons accused of violating the Fugitive Slave Act of 1793 ; became identified with the Liberty party in 1841, and participated in its national conventions, at Buffalo in 1843, and at Cincinnati in 1847 ; was a member of the National Free Soil Convention at Buffalo in 1848, which nominated Martin Van Buren for the presidency ; was elected a United States Senator by a combination of Democrats and Free Soilers, serving from March 4, 1849, to March 4, 1855 ; was elected governor of Ohio in 1855 as a Free Soil Democrat, and re-elected as a Republican in 1857 ; was prominently considered as a nominee for the presidency by the Republican National Convention in 1860 ; was again elected to the United States Senate in 1860, but resigned the day after taking his seat to become Secretary of the Treasury under President Lincoln, which position he held until he resigned in 1864 ; was appointed in December, 1864, to the Chief-Justiceship of the Supreme Court of the United States, serving in that capacity until his death, May 7, 1873. Chase presided at the impeachment trial of President Johnson in

1868, and was prominent before the Democratic Convention of 1868 as a candidate for the presidency.

See Poore's *Congressional Directory and Political Register*.

Appleton's *Cyclopædia of American Biography*.

Schucker's *Life of Chase*.

2. The three speeches which we have chosen on the Kansas-Nebraska bill represent three phases of political opinion. Chase speaks for the Free Soil sentiment,—the pronounced anti-slavery opinion ; Douglas, the author of the new Nebraska policy, represents the Democratic view, indifferent to the spread of slavery ; and Everett stands for the Conservative Whig element, of the Webster-Clay type, who, while willing to see slavery restricted, loved the Union more than he hated slavery, and was ready to enter into convenient compromises for the sake of peace.

Douglas introduced the Kansas-Nebraska bill, with his historic report upon the subject, on January 4, 1854. Dixon's amendment specifically repealing the Missouri restriction, was offered on January 16th. The next day Sumner offered an amendment, as a counter proposition, that nothing contained in the bill should be construed to abrogate the Missouri restriction. Douglas incorporated Dixon's amendment in a bill substituted for his original bill, on January 23d. On January 24th the "Appeal of the Independent Democrats," written by Chase and Giddings, was issued to the voters of the country, which protested vigorously against the policy of the bill. Of this address all except the postscript had been written before Douglas introduced his substitute of January 23d. "On January 30th Douglas came into the Senate," says Rhodes, "a prey to angry excitement, and shortly after his entrance he took the floor to open the debate on the Kansas-Nebraska bill. The reason of his rage was soon apparent. It was caused by the Appeal of the Independent Democrats and by the indications

of public sentiment which had already reached Washington, and which Douglas was inclined to attribute wholly to the prompting of this address. In deference to the wishes of Chase and Sumner, he had postponed the consideration of the bill for six days, and now he charged Chase with having come to him 'with a smiling face and the appearance of friendship,' begging for delay, merely in order to get a wide circulation for the Appeal and forestall public opinion before an exposition of the measure was made by its author." *

On February 3, 1854, Chase replied to Douglas and made an elaborate speech on the Kansas-Nebraska bill, the speech of our text. "On that day," says Rhodes, "he took a place in the foremost ranks of the statesmen who devoted themselves to anti-slavery principles. He was, with perhaps the exception of Sumner, the handsomest man in the Senate, and as he rose to make his plea for the maintenance of plighted faith, all felt the force of his commanding presence. More than six feet high, he had a frame and figure proportioned to his height; with his large head, massive brow, and smoothly-shaven face, he looked like a Roman Senator; and the similitude was heightened by his coming to plead against the introduction of Punic faith into the Congress of the United States. He appreciated the gravity of the situation, and attributed the crowded galleries, the thronged lobbies, and the full attendance of the Senate to the transcendent interest of the theme. Chase was not a fluent and easy speaker; he had less of the spirit of the orator than Douglas; he could not sway an audience of the Senate as could the Little Giant. Nevertheless, the dignity of his manner and the weight of his words obtained him a careful hearing, and he was listened to with attention by Senators and visitors." †

* Rhodes' *History of the United States*, vol. i., p. 444.

† Rhodes' *History of the United States*, vol. i., p. 449.

For a history of the Kansas-Nebraska bill and the discussions to which it gave rise, the student is referred to the introduction on "The Anti-Slavery Struggle," in volume ii. of *American Orations; American History Leaflets*, No. 17, containing Douglas' Report of January 4, Dixon's amendment of January 16, and the "Appeal of the Independent Democrats;" Rhodes' *History of the United States*, vol. i., pp. 424-506; Schouler's *History of the United States*, vol. v., pp. 278-304; Von Holst's *Constitutional History of the United States*, vol. 1850-1854; Sheahan's *Life of Douglas*; Schucker's *Life of Chase*; Davis' *History of the Confederate Government*; Stephens' *War Between the States*; Wilson's *Rise and Fall of the Slave Power*; Julian's *Life of Giddings*; Cox's *Three Decades of Federal Legislation*; *Congressional Globe*, vol. xxviii.

3. After Douglas' speech of January 30th, in which he severely denounced Chase, the latter obtained the floor and defended the *Appeal* which Chase and others had signed and sent to the country. The *Appeal* may be found in the *Congressional Globe*, vol. xxviii., 33d Congress, 1st Session, Part I., pp. 281, 282. It is reprinted in the *American History Leaflets*, No. 17, edited by Professors Hart and Channing.

4. Senator Dodge.

5. The Mexican law prohibited slavery. The slave-holding claims, referred to by Chase, held that the Mexican territory as soon as it came into our possession, passed under the operation of the Constitution which protected slavery. Therefore slavery was legal in the territory as soon as it came into our possession. The Free Soil view, represented by Chase, held that the Mexican law continued to operate over the Territories until the United States should change it, and that the first enactment proposed for the new Territory should contain the Wilmot proviso excluding slavery. A Territorial act

leaving open the question as to the legality of slavery, where before there had been restriction, was not satisfactory to Chase.

6. These provisions were that there should be no restriction as to slavery in the Territories, and that, as States, they should come in free or slave, as they chose.

7. Rhodes says that when Dixon introduced his amendment on January 16, specifically repealing the Missouri restriction, "the Senate was astonished and Douglas was startled. Douglas went at once to Dixon's seat and remonstrated courteously against the amendment. He said that in his bill he had used almost the same words which were employed in the Utah and New Mexico acts; and as they were a part of the compromise measures of 1850, he hoped that Dixon, who had been a zealous friend of that adjustment, would do nothing to interfere with it or weaken it before the country. Dixon replied that it was precisely because he was a zealous friend of the compromise of 1850 that he had introduced the amendment; in his view, the Missouri Compromise, unless expressly repealed, would continue to operate in the Territory of Nebraska; and while the bill of Douglas affirmed the principle of non-intervention, this amendment was necessary to carry it legitimately into effect. That being the well-considered opinion of Dixon, he was determined to insist upon his amendment." —Vol. i., p. 433.

8. In the passage of Chase's Speech here omitted,—covering four pages of the *Congressional Globe*,—he answers Douglas' attack on the Independent Democratic Appeal. He cites the evidence that the Missouri restriction was reasserted in the resolution annexing Texas and applied to Mexican cessions north of 36° 30', and he reviews at length the argument of Douglas that the original policy of the country was one of

indifferentism between slavery and freedom. "If anything," he says, "is susceptible of absolute historical demonstration it is the proposition that the founders of this Republic never contemplated any extension of slavery." Chase's historical review in sustaining this proposition is of value. (See Note 10.) Chase then goes on to review the original discussions over the Missouri Compromise, and says that "then, for the first time, was a geographical line established between slavery and freedom in this country ;" and he attempts to show from the public expressions and understanding of the time that the Compromise was "a compact, complete, perfect, irrevocable, so far as any compact embodied in the legislative act, can be said to be irrevocable."

9. See the Independent Democratic Appeal for light upon Chase's discussion at this point.—*American History Leaflets*.

10. Examine this in the light of the passage from Professor Johnston's introduction on "The Anti-Slavery Struggle," p. 7, vol. ii., *American Orations*.

In a former part of this speech, in a passage omitted from our text (note 8). Chase refers to Louisiana in answering Douglas' statement that it was the policy of the fathers of the Republic to establish a geographical line between the slave and the free States. "Afterwards, in 1803," he says, "Louisiana was acquired from France. Did we then hasten to establish a geographical line? No, sir. In Louisiana, as in the territories acquired from Georgia and North Carolina, Congress refrained from applying the policy of 1787; Congress did not interfere with existing slavery; Congress contented itself with enactments prohibiting, absolutely, the introduction of slaves from beyond the limits of the United States; and also prohibiting their introduction from any of the States, except by *bona fide* owners, actually removing to Louisiana for settlement."—*Congressional Globe*, vol. xxix., p. 138.

11. "This speech of Chase was great. As an earnest protest against a measure which violated the sentiment of justice, and whose iniquity the speaker felt in every fibre of his being, it must ever take high rank. In it were united the understanding of the lawyer, the elevation of the statesman, and the gravity of the moralist; the warmth of the advocate is tempered by the fairness of the judge. His statements are lucid, his arguments unanswerable. He seems to feel a profound regret that the question of slavery should be agitated again; but his strong moral nature had burning convictions, and he was bound to express them. The matter is made plain, history is truthfully related, his reasoning is careful, and the conclusions irresistible."—Rhodes, vol. i, p. 451-452.

EDWARD EVERETT.

1. Edward Everett was born at Dorchester, Massachusetts, April 11, 1794; received a classical education, graduating at Harvard College in 1811; studied theology, and was a Unitarian minister in Boston; was elected professor of Greek literature at Harvard in 1814, and spent three years abroad, studying in European universities in preparation for his professorship; was professor at Harvard from 1819 to 1825, most of which time he was also editor of the *North American Review*; was a member of Congress from Massachusetts from December 3, 1825, to March 3, 1835; declined a re-election; was governor of Massachusetts from 1836 to 1840; was minister to England from 1841 to 1845; was president of Harvard College, 1846-1849; was Mr. Fillmore's Secretary of State, filling the vacancy caused by the death of Daniel Webster, from November, 1852, to March, 1853; was elected United States Senator from Massachusetts, serving from December 5,

1853, to June 1, 1854, when he resigned; was the candidate of the Constitutional-Union party for Vice-President, 1860, on the ticket headed by John Bell; was a firm supporter of the Union at the outbreak of the war, and was a presidential elector on the Lincoln and Johnson ticket in 1864; died in Boston January 15, 1865.

Everett was especially famous as a platform orator of the academic type. Whipple calls him "the last great master of persuasive eloquence." There is a notable absence of invective in his style. In classical finished oration-making he takes highest rank among American orators. The oration which first won him renown was his Phi Beta Kappa address of 1824, on "The Circumstances Favorable to the Progress of Literature in America." His subjects were usually those suggested by historical anniversaries, philanthropic or political gatherings, or the death of great men. Richardson, in his *American Literature* says: "Mr. Everett was a pleasant, winsome speaker, whose chief error was that, too often, he only praised or expounded, when he might have added blame to his commendations and analysis. He was not a great creator, not an irresistible destroyer. But his temper was not always uncritical; his long, smooth, well-balanced sentences sometimes presented both sides of a subject; and he could, as in defense of America against her half-informed critics, fifty years ago, cut and sting. His most-repeated lecture, that on Washington, displayed at the best his strong yet gentle powers, his elaborate but genuine rhetorical art."—Vol. i., pp. 237-238.)

Everett's orations are published in four volumes (Little, Brown & Co.) Among the subjects of his more famous orations may be mentioned, "The Principles of the American Constitution," Cambridge, Mass., July 4, 1826; "The First Settlement of New England," December 22, 1824; "The Battle of Lexington," Lexington, Mass., April 19, 1835;

"Education Favorable to Liberty," Amherst College, August 25, 1835; "Importance of Education in a Republic," Taunton, Mass., October 10, 1838; "The Pilgrim Fathers," Plymouth, Mass., December 22, 1845; "The Character of Washington," Boston, February 22, 1856; "Eulogy on Webster," Boston, September 17, 1859; "The Call to Arms," Roxbury, Mass., May 8, 1861; "The Causes and Conduct of the Civil War," Boston, October 16, 1861; Address at Gettysburg, November 19, 1863.

See Appleton's *Cyclopædia of American Biography*.

Poore's *Congressional Directory*.

Richardson's *American Literature*.

Duyckinck's *Cyclopædia of American Literature*.

Harsha's *Orators and Statesmen*.

E. P. Whipple's *Character and Characteristic Men*.

N. P. Willis' *Hurry Graphs*, p. 166.

North American Review, October 1850; January, 1837.

2. In the Kansas-Nebraska debate in the Senate, Everett follows Douglas by a few days, speaking on February 8. As we have said, Everett represents the views of the conservative Whigs, the followers of Webster. He spoke as a friend and supporter of the compromise measures of 1850, to inquire whether fidelity to those compromises demanded support of Douglas' policy represented by this bill. Rhodes says of Everett: "Edward Everett also made a speech against the bill in the Senate. His utterances were important, not only for the weight of his argument, but because he spoke for the conservative Whigs of the North, those who had supported the compromise of 1850 and had been the followers of Webster or Fillmore. Chase and Seward in the Senate, and Sumner and Wade out of it had opposed that adjustment. The character of the opposition had led Douglas to assert that every one in either House of Congress who had supported the

compromise of 1850 was now in favor of the Kansas-Nebraska bill ; and this speech of Everett gave that statement the first effective denial. As had been the case when the other senators who have been mentioned spoke, so now crowds filled the Senate Chamber ; the House was deserted. The Senator was listened to with profound attention, in which curiosity in regard to his position was mingled with interest, for it had been reported that he would favor the bill. But all doubts regarding Everett's position were soon dispelled as he gradually unfolded his argument, which, though expressed in too courtly phrase to suit the radical spirits, was very forcible. Being of a deprecatory nature, it would hardly have fitted the leader of the opposition. Yet it appealed to men whom the more radical utterances of Chase, Wade, and Sumner could not reach, and it was of great importance as reflecting, and at the same time moulding, a certain public sentiment."—Vol. i., pp. 155, 456.

The first part of Everett's speech, omitted from the text, has to do with subordinate parts of the subject,—the description of the territory, its probable future, the number of its inhabitants, the relation of the Indian tribes to the question. Everett's well known conservative position and his high reputation as a scholar and orator add interest to his speech.

3. In this omission Everett makes a few remarks on the phraseology of the proposed amendment.

4. To sustain his view with reference to the scope and intention of the Territorial acts of 1850 Everett appeals to the acts themselves. Not a word of those acts indicated the Douglas interpretation. It was most singular that words of extension in 1853 should be deemed necessary to give the effect intended by the acts of 1850, while it was not thought necessary to put these words in the original acts themselves. Ev-

erett then appeals to the debates on the measures of 1850, and says: "I do not find a single word from which it appears that any member of the Senate or House of Representatives, at that time, believed that the territorial enactments of 1850, either as principle, or rule, or precedent, or by analogy, or in any other way, were to act retrospectively or prospectively upon any other Territory. On the contrary I find much, very much, of a broad, distinct, directly opposite bearing." Everett then quotes Webster as saying that when he spoke for the bills organizing New Mexico and Utah without restriction as to slavery, he spoke for those Territories alone; and he referred to the notable passage from Webster's 7th of March Speech in which Webster had said that there was not a foot of land in our national domain not fixed by an irrevocable law in regard to its being free soil territory or slave territory.—See vol. ii., p. 180, and Note 17 on *Speech of Douglas*, p. 351.

5. The opponents of the Kansas-Nebraska bill had urged that the territorial legislation of 1850 instead of "superseding" the Missouri restriction of 1820 had actually and in terms recognized and confirmed that restriction. The argument was this: The act of 1850 contains a proviso that nothing therein contained should be construed to impair or qualify a certain section of the resolutions annexing Texas. The section of the annexation resolution referred to recognized by name the Missouri Compromise. In answer to this argument Douglas had made the point that the part of the Texan territory to which this applied had been cut off from Texas, most of which had been assigned to New Mexico. Everett does not consider Douglas' answer sufficient. The Compromise of 1820 had been clearly recognized in 1850, and the question was not whether there was still some Texan territory to which the Compromise applied but whether it operates in Nebraska in its original location. Everett proceeds to examine this argument at length

and in detail. Douglas had also made the point that, the territorial act of 1850 having transferred a small spot of the old Louisiana purchase to Utah, and the Utah act having no anti-slavery restriction, therefore the Missouri restriction was virtually repealed as to the rest of the Louisiana purchase. Everett examines this also.

6. In this omission Everett speaks to the charge that the North itself had been the first to violate the Missouri Compromise. This charge referred to the refusal to extend the line of $36^{\circ} 30'$ to the Pacific as had been proposed by Douglas in 1848 in the discussions on the Oregon bill. The refusal had been prompted by the influence of "Northern votes with free soil proclivities," said Douglas. Everett refutes this view, and attributes the refusal to extend the Missouri line to the conservative purpose of the citizens of the free States to resist the extension of slavery into any new territory.

7. Mr. Mason.

8. Everett expresses regret at the proposed repeal of the Missouri Compromise; he makes a plea for the retention of that early landmark and for the maintenance of peace between the sections; urged that the climate and soil of Kansas and Nebraska were not conducive to slavery, and that no inferiority was implied on the part of the South in the restriction. He quotes a letter written in 1820 by Charles Pinckney, a representative from South Carolina, in which Pinckney speaks of the Missouri Compromise as a great triumph for the South.

9. Everett resigned from the Senate June 1, 1854. He was succeeded by Senator Rockwell, appointed, who served from June 15, 1854, to February 10, 1855, when Henry Wilson, having been elected, took his seat.

10. Of this passage Rhodes says: "In conclusion he gave vent to words eminently proper for a philosophic historian, but which sounded strange enough in the midst of a heated debate." —Rhodes' *History of United States*, vol. ii., p. 457.

STEPHEN A. DOUGLAS.

1. Stephen Arnold Douglas was born at Brandon, Vt., April 23, 1813; received an academical education; commenced the study of law at Canandaigua, New York, continuing his study at Cleveland, Ohio, after removing there in 1833; went to Illinois, taught school, was admitted to the bar, and commenced practice at Jacksonville, March, 1834; was elected to the State Legislature in 1836-7; was defeated for Congress in 1838; was appointed Secretary of State for Illinois by the Legislature, 1840-1; was elected one of the Judges of the State Supreme Court in 1841; served in the House in Congress from Illinois, 1843 to 1847; served in the Senate of the United States from March 4, 1847, until his death on June 3, 1861. He was the candidate of the Northern wing of the Democratic party in 1860, and received twelve electoral votes.

The following is from the sketch of Douglas in Appleton's *Cyclopædia of American Biography*: "In 1858, and again in 1860, Douglas visited the Southern States, and made many speeches. Everywhere he boldly denied the right of secession, and maintained that, while this was a union of sovereign States independent in all local matters, they were bound together in an indissoluble compact by the Constitution, which established a national government inherently possessing all powers essential to its own preservation. During the exciting session of 1860-61, Mr. Douglas, as a member of the committee of thirteen, and on the floor of the Senate, labored in-

cessantly to avert civil war by any reasonable measures of adjustment, but at the beginning of hostilities he threw the whole weight of his influence in behalf of the Union, and gave Mr. Lincoln's administration an unfaltering support. In public speeches he denounced secession as crime and madness, and declared that, if the new system of resistance by the sword and bayonet to the result of the ballot-box shall prevail in this country, 'the history of the United States is already written in the history of Mexico.' He said that 'no one could be a true Democrat without being a patriot.' In an address to the Legislature of Illinois, delivered at its unanimous request, he urged the oblivion of all party differences, and appealed to his political friends and opponents to unite in support of the government."

See Appleton's *Cyclopædia of American Biography* ; Poore's *Congressional Directory and Political Register* ; Sheahan's *Life of Douglas* ; S. S. Cox's *Eulogy on Douglas* ; Forney's *Life of Douglas*, 2 vols. ; Blaine's *Twenty Years of Congress*, vol. i. ; George William Curtis' review of the political career of Douglas, *North American Review*, vol. ciii., p. 509 ; "Reminiscences of Douglas," *Atlantic Monthly*, vol. viii. ; *Harper's Monthly*, vol. lxxxvii.

2. The debate in the Senate on the Kansas-Nebraska bill continued through February, 1854. Elaborate speeches were made, in addition to those of Chase and Everett, by Senators Dixon, of Kentucky, Badger, of North Carolina, Seward, of New York, Houston, of Texas, Pettit, of Indiana, Hunter, of Virginia, Butler, of South Carolina, Sumner, of Massachusetts, Cass, of Michigan, Wade, of Ohio, Smith, and Toucey, of Connecticut, Fessenden, of Maine, and Bell, of Tennessee.—See *Congressional Globe*, Appendix, vol. xxix., 1st Sess. 33d Congress.

It was Douglas' privilege to close the debate, which he did

on the night of March 3, in the speech of our text. Rhodes says of Douglas on this occasion :

“ And now the day had come when a vote on the bill was to be taken. The Senate met on the 3d of March at the usual hour, and an animated discussion of the measure consumed the afternoon and evening. The floor was full and the galleries were crowded when Douglas rose, half an hour before midnight, to close the debate. He offered to waive his privilege in order that they might proceed to vote ; but many Senators protested, and begged him to go on. The importance of the occasion and the influence which this speech might have on his future career might well make even as ready a speaker as Douglas tremble when he thought what he must confront. The bill had passed to a third reading the day previous by a vote of twenty-nine to twelve, so that argument in the Senate was needless ; but the people of the North were almost unanimously against the measure and its author, and it was to them that Douglas spoke with extraordinary energy and ability, persuading and imploring them to reverse their verdict. A feeling of regret that he had provoked this controversy must have mingled with the excitement of the combatant in the contest ; but there was no trace of it in his manner as he applied himself vigorously to the work of justifying himself, of defending his bill, and of hurling defiance at his opponents.

“ The appearance of Douglas was striking. Though very short in stature, he had an enormous head, and when he rose to take arms against the sea of troubles which opposed him, he was the very picture of intellectual force. Always a splendid fighter, he seemed this night like a gladiator who contended against great odds ; for while he was backed by thirty-seven Senators, among his fourteen opponents were the ablest men of the Senate, and their arguments must be answered if he expected to ride out the storm which had been raised against him. Never in the United States, in the arena of debate, had

a bad cause been more splendidly advocated ; never more effectively was the worse made to appear the better reason.

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“ Douglas spoke until daybreak, and the crowd remained to hear the last words of the giant, who seemed to exult in his strength and who was flushed with victory. Senator Houston explained why he could not consent to a violation of the Missouri Compromise ; and then the vote was taken.”—Rhodes, vol. i., pp. 470, 471-475.

The first introductory parts of Douglas' speech, omitted from our text, consisted of remarks in answer to Senator Bell, of Tennessee, on the subject of the Indian rights and treaties, and on the proposed limits of the two Territories.

3. In a brief omission here Douglas refers to an argument advanced by Senator Smith, of Connecticut, that the few people who were in the Territories under discussion were there “ in violation of certain old acts of Congress which forbade the people to take possession of, and settle upon, the public lands until after they should be surveyed and brought into the market.” It was enough for Douglas that the people were there and that they were our own people.

4. Referring to the Independent Democratic Appeal and his speech of January 30th.

5. Was the abrogation of the Missouri restriction the “ main object and aim ” of the bill ? Is it not the feature of historic importance ? If the measures of 1850 had superseded that of 1820 was it necessary to say so in a public act in 1854 ? If there had been no specific repeal, or assertion in 1854, what would have been the status of slavery in the Territory in question ?

6. Was this the question which Chase had raised? Did Chase charge this? Does Douglas' ingenious parry fairly meet the issue? Does Douglas proceed to answer Chase's charge by substituting a new charge and answering that?

7. In the passages omitted here Douglas reviews his own record and position on the compromise debates of 1850, to show that he had advocated the principle of non-intervention that year, both in Congress and out. He quotes resolutions of the Illinois Legislature to show that the principle was understood and accepted in his State and was to be applied without limitation in the Territories of the United States.

8. Was this true? See Note 9 on Chase's speech; and Note 5 on the speech of Everett.

9. Badger's amendment was in these words: "Provided, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Attention had been called to the fact that under French rule, slavery existed by law in all the Louisiana Territory prior to the restrictive compromise act of 1820. If the restrictive act of 1820 were repealed, would the status under French law be restored? That is, would the Kansas-Nebraska act, repealing the Missouri restriction, restore the French law protecting slavery in this territory? Was there ground for the fear that it was the purpose of the bill to legislate slavery into the Kansas-Nebraska territory? Badger's amendment was for the purpose of removing this fear and to provide that the repealing clause should not put in force any earlier law on slavery.—See Von Holst, 1850-54, p. 345.

10. In the omitted passage Douglas arraigns Sumner and Chase for asserting that the first bill and report (of January 4th)

did not contemplate the repeal of the Missouri Compromise and that he (Douglas) could not be brought to that point until after Dixon had offered his amendment. Douglas says that these statements are refuted by the Independent Democratic Appeal which Sumner and Chase both signed. "If the statements of this document be true," says Douglas, "that the first bill did repeal the eighth section of the Missouri act, what are we to think of the statements in their speeches since, that such was not the intention of the committee—was not the recommendation of the report, and was not the legal effect of the bill? On the contrary, if the statements in their subsequent speeches are true, what apology do those Senators propose to make to the Senate and country for having falsified the action of the committee in a document over their own signatures, and thus spread a false alarm among the people, and misled the public mind in respect to our proceedings? These Senators cannot avoid the one or the other of these alternatives."

11. This refers to the opposition of the North to the objectionable clause in Missouri's Constitution, which gave rise to the third struggle over Missouri's admission.—See *Historical Note*, vol. ii., p. 350.

12. At this point Douglas was drawn into a colloquy with Seward and Sumner on the character of the Missouri Compromise, whether or not it was in the nature of a compact, Douglas contending that if it were a compact the North had been the first to violate it. As evidence, he brings up the Northern refusal to admit Missouri under the Constitution which she had formed and the proposition, made by Mr. Mallory, of Vermont, in the House of Representatives, February 12, 1821, to admit Missouri on condition that she prohibit slavery. Sixty-one Northern men voted for this condition to thirty-three against it,—eleven months after the Missouri Compromise act was passed.

13. In the omitted passage Douglas continues at length to show that the breach of the compact came from the North. He and Seward engaged in a long colloquy as to the character of the acts admitting Missouri and the obligations under them. Douglas labors long to show that the act of 1820 was not a compact, and to call it such was "to charge the Northern States of this Union with an act of perfidy unparalleled in the history of legislation or of civilization."

14. In the passage omitted—a page of the *Globe*—Douglas engages in running discussion with Seward and Sumner, partly on personal matters, partly on the compact character of the Missouri act.

15. The omission contains a colloquy between Douglas and Seward as to Clay's agency in the compromises of 1820 and 1821, Douglas emphasizing the charge that it was after the North had repudiated the compromise of 1820 that Clay had secured the later compromise of 1821. Douglas refers to Clay's disclaimer made in his speech of February 6, 1850, in which Clay said that "nothing struck him with so much surprise as the fact that historical circumstances soon passed out of recollection; and he instanced as a case in point the error of attributing to him the act of 1820." To this passage from Douglas, Seward nodded assent.

16. See Note 4 on Everett's Speech.

17. At this point Everett enters into controversy with Douglas as to the intent and purport of Webster's words in 1850. Everett still adhered to his interpretation of Webster's meaning. Everett says: "That this is the correct interpretation of Mr. Webster's language, is confirmed by the fact that he said, more than once, and over again, that all the North lost by the arrangement of 1850, was the non-imposition of the

Wilmot proviso upon Utah and New Mexico. If, in addition to that, the North had lost the Missouri restriction over the whole of the Louisiana purchase, could he have used language of that kind, and would he not have attempted, in some way or other, to reconcile such a momentous fact with his repeated statements that the measures of 1850 applied only to the territories newly acquired from Mexico."

Everett then quotes Webster's later speech of July 17, 1850, clearly sustaining his interpretation. Douglas does not satisfactorily answer Everett upon this point, but he turns the discussion into another direction, still, however, claiming Webster in support of his policy of non-intervention. Rhodes says on this point: "In the course of his speech, Douglas took up Everett's argument, and showed by the construction he put upon Webster's 7th of March speech that he could twist the language of the clearest of speakers to his purpose as well as he could distort the facts of history."

After the colloquy with Everett, Douglas turns to answer Wade, who had referred to the fact that Douglas himself in 1845 and 1848, when the questions of Texas and Oregon were up, had urged the extension of the Missouri Compromise line to the Pacific. Douglas then takes up more than a page of the *Globe* in reviewing the Oregon and Texas debates and his own record on those subjects. The debate then turned on personal matters as to whether Chase and Sumner had come to the Senate as the result of "corrupt bargains or dishonorable coalitions,"—a digression caused by an insinuation of Douglas and a remark by Senator Weller, of California. The debate brought out the circumstances leading to the election of Chase to the Senate. See Appendix, *Congressional Globe*, vol. xxix., pp. 335, 336, 1st Sess. 33d Congress.

18. Douglas then quotes the instructions of several Colonies to their delegates in the Continental Congress, when authoriz-

ing them to vote for the Declaration of Independence. These generally provided that the internal concerns and policy of each Colony should be left to the people of the respective Colonies. Douglas considered this a precedent for his policy of leaving to the people of the Territories the "determination and regulation of their own domestic institutions in their own way."

19. What is the refutation of this proposition? Is there a distinction between Congressional power in the Territories and Congressional power in the States? Suppose Douglas were asked whether the people of a Territory might establish a monarchy? or an aristocracy? or polygamy? Lincoln asked such questions in the Lincoln-Douglas debates. The only limitation which Douglas proposed to impose on the people of a Territory was that their policy and institutions should be "subject to the Constitution of the United States."

20. Does this recital state the position, or contention, of any of Douglas' opponents?

21. Does the sequel prove the truth of Douglas' statement? Was not just the reverse of this the case? Could Douglas have believed that the result would be as he states?

22. This insinuation refers to the circumstances attending Chase's election to the Senate. See Note 16.

23. For interesting characterizations of Douglas see Rhodes' *History of the United States*, vol. i., pp. 474, 492, 477; Schouler's *History of the United States*, vol. v., p. 283. Von Holst's *Constitutional History of the United States, 1850-1854*, p. 303.

CHARLES SUMNER.

1. For a sketch of Sumner, see vol. ii., p. 420.

2. On January 24, 1856, President Pierce submitted to Congress a special message on the affairs of Kansas. In this message he recited in substance the following facts: The Kansas-Nebraska bill became a law May 30, 1854, and the race began between the Slave States and the Free for the possession of Kansas. The first Territorial Governor of Kansas, Andrew H. Reeder, of Pennsylvania, received his commission on June 29, 1854, but he did not arrive in Kansas until October 9th of that year. The first election for a Territorial Legislature was held on March 30, 1855, the delay being caused in providing for the authorized census and enumeration. The Legislative Assembly elected on March 30th, did not meet until July 2, 1855, and thus for one year after the Kansas-Nebraska bill was passed Kansas was without a complete government, without legislative authority, without the ordinary guarantees of peace and public order. On November 29, 1854, before the requisite preparation was made for the election of a Territorial Legislature, a delegate to Congress was elected, Whitfield, who took his seat without challenge. After the election of the Legislature in March, the Governor officially received and considered the returns; declared a large majority of the Council and House of Representatives "duly elected," and "thus complete legality was given to the first Legislative Assembly of the Territory"; and President Pierce concluded that it was too late now to raise the question of irregularities in the election, and that the body must be recognized as the legitimate Assembly of the Territory. This message was calculated to make a favorable representation of the pro-slavery party and their cause in Kansas, and Pierce concluded by recommending that Congress should pass an enabling act for the admission of Kansas.

As might be expected, this message of Pierce was entirely unsatisfactory to the anti-slavery, or free-State, party in Kansas. There had been strife, disorder, and war in Kansas. In the election for delegate to Congress, which had been held in November, 1854, and for the Territorial Legislature in March, 1855, there had been fraud, violence, and incursions of border ruffians from Missouri. The free-State men refused to recognize the validity of the Territorial Legislature referred to by Pierce, denied that its acts were binding; and they organized a counter government. The free-State party met in Convention at Topeka, October 23, 1855, formed a free-State Constitution, and submitted this to the people on December 15th, the same year. On January 5, 1856, at a free-State election Robinson was elected Governor of the State and the free-State men proceeded to make formal application, by petition presented February 26, 1856, for admission into the Union under the Topeka Constitution. While this party was not acting under the forms of law—the legal machinery of the Territory having come into the hands of their opponents by violence and fraud—they undoubtedly represented the majority of the people of the Territory. It was Pierce's policy to resist the free-State cause, and on February 11, 1856, he issued a proclamation against the Topeka movement, with intent to place on the side of the Territorial Government and the pro-slavery party, the whole force of the United States Government.

On March 12, 1856, Senator Douglas, Chairman of the Committee on Territories, to which Pierce's message of January 24th had been referred, presented to the Senate a long and formal report on the affairs of Kansas. This report denounced the Emigrant Aid Society which had been formed to promote anti-slavery migration to Kansas, held the Territorial Legislature to be legal and its acts binding, and denounced the Topeka movement as in defiance of the authority of Con-

gress. Senator Collamer presented a minority report. He held the Topeka movement to be the only source of relief against fraud and usurpation, and "thus far this effort for redress is peaceful, constitutional, and right." Collamer recommended the repeal of the Kansas-Nebraska bill, thus restoring the Missouri restriction of 1820.

On March 17th, Douglas introduced a bill in harmony with his report, and on the 20th of March he made a notable speech covering the affairs of Kansas. This is one of Douglas' ablest speeches and the student would do well to consider it in connection with this speech of Sumner's. The bill of Douglas', which was pending in the Senate when Sumner spoke, May 19 and 20, 1856, provided :

"That, whenever it shall appear, by a census to be taken under the direction of the Governor, by the authority of the Legislature, that there shall be 93,420 inhabitants (that being the number required by the present ratio of representation for a member of Congress) within the limits hereafter described as the Territory of Kansas, *the Legislature of said Territory shall be, and is hereby, authorized to provide by law for the election of delegates* by the people of said Territory, to assemble in Convention and form a Constitution and State Government, preparatory to their admission into the Union on an equal footing with the original States in all respects whatsoever, by the name of the State of Kansas."

Subsequently Senator Seward moved a substitute providing for the immediate admission of Kansas under the Topeka Constitution. These propositions provided the subject for the notable Congressional debate on Kansas affairs in the spring of 1856.

The editor of Sumner's works says :

"This speech found unexpected audience from an incident which followed its delivery. It became a campaign docu-

ment in the Presidential election then at hand, and was circulated by the hundred thousand. Besides reprints in newspapers, there were large pamphlet editions in Washington, New York, Boston, and San Francisco. Editions appeared in German and Welsh. It was reprinted in London, in a publication by Nassau W. Senior, the eminent publicist and economist, entitled *American Slavery: A Reprint of an Article on Uncle Tom's Cabin in the Edinburgh Review*, and of Mr. Sumner's Speech of the 19th and 20th of May, 1856."

At the period of its delivery an intense excitement prevailed throughout the country. At the North there was a deep sense of wrong, with indignation at the pretensions of the Slave Power, yearning for a voice in Congress that should speak out the general sentiment.—Sumner's *Works*, vol. iv., p. 127.

3. This omission consists of a few introductory words on the character of the subject before him and the purpose of his speech. Sumner outlines his subject under three heads: 1. *The Crime Against Kansas*. 2. *The Apologies for the Crime*. 3. *The True Remedy*.

4. Sumner addresses himself to the charge of fanaticism, and he then replies briefly to the charge from Senator Butler and other Southerners that the North had been the first and chief offender in the early slave trade, that the South had received their slaves from Northern dealers. Sumner further rejoined that "the Northern merchants who catered for slavery in the years of the slave trade are lineal progenitors of the Northern men, with homes in these places, who lend themselves to slavery in our day. It is true, too true, alas, that our fathers were engaged in this traffic; but that is no apology for it. Let us not follow the Senator from South Carolina to do the very evil which in another generation we condemn."

5. Sumner now proceeds to describe the *Crime Against Kansas*. This, he considers, consists in the fraudulent repeal

of the time-honored compromise of 1820, and the forcible introduction of slavery into the Territory. He exposes the fallacy and weakness in the doctrine of popular sovereignty and describes the disorders, invasions and troubles in Kansas. He then proceeds to incorporate into his speech extracts from letters and public utterances, as evidence of the spirit and purposes of the pro-slavery party and of the usurpation and wrongs of which the pro-slavery invaders of Kansas had been guilty. He proceeds then to the second part of his Speech, and reviews at length the *Apologies for the Crime*. These apologies he denounces as *tyrannical, imbecile, and infamous*. He then proceeds to discuss the remedies proposed.

6. It was this passage, chiefly, which provoked the assault of Brooks. The passage was certainly in bad taste and shows personal offensiveness, if not coarseness. Rhodes says in this connection :

“ A careful perusal of Butler's remarks, as published in the *Congressional Globe*, fails to disclose the reason of this bitter personal attack. His remarks were moderate. He made no reference to Sumner. His reply to Hale, though spirited, was dignified, and did not transcend the bounds of a fastidious parliamentary taste. Yet it must be said that his defence of Atchison, which to-day reads as a tribute to a generous, though rough and misguided man, was very galling to an ardent friend of the free-State party of Kansas, such as Sumner. Butler was a man of fine family, older in looks than his sixty years, courteous, a lover of learning, and a jurist of reputation. He was honored with the position of chairman of the Senate judiciary committee. When Sumner first came to the Senate, although he was an avowed Free-soiler, the relations between him and Butler were friendly ; they were drawn together by a common love of history and literature. When he made his speech on the Kansas-Nebraska bill, Butler paid him a well-chosen compliment at which he expressed his gratifica-

tion. In June, 1854, however, the two had a very warm discussion in the Senate on the Fugitive Slave law, growing out of the rendition of Burns, in which Butler replied to Sumner's forcible remarks with indignation. Afterwards Butler sent him word that their personal intercourse must be entirely cut off. The only reason which the South Carolina senator could assign for the present personal attack was that Sumner's vanity had been mortified from thinking that he did not come out of the controversy of 1854 with as much credit as he ought, and this was his opportunity for retaliation.

"But no one understanding Sumner's character can accept this as an explanation. There was nothing vindictive or revengeful in his nature. Besides, he was too much wrapped up in his own self-esteem to give more than a passing thought to a social slight from a slave-holding senator, even though he were a leader in the refined and cultivated society of Washington. Sumner's speech seems excessively florid to the more cultivated taste of the present ; he might have made a more effective argument, and one stronger in literary quality without giving offence. The speech occasioned resentment not so much on account of severe political denunciation, as on account of the line of personally insulting metaphor. Yet he did not transgress the bounds of parliamentary decorum, for he was not called to order by the President or by any other senator. The vituperation was unworthy of him and his cause, and the allusion to Butler's condition while speaking, ungenerous and pharisaical. The attack was especially unfair, as Butler was not in Washington, and Sumner made note of his absence. It was said that Seward, who read the speech before delivery, advised Sumner to tone down its offensive remarks, and he and Wade regretted the personal attack. But Sumner was not fully "conscious of the stinging force of his language." To that, and because he was terribly in earnest, must be attributed the imperfections of the speech. He

would annihilate the slave power, and he selected South Carolina and her senator as vulnerable points of attack."
—Rhodes' *History of the United States*, vol. ii., pp. 135-137.

7. The agent of Kansas referred to was Hon. James H. Lane, afterwards United States Senator from Kansas.

8. See Douglas' speech of March 20, 1856, p. 288, *Congressional Globe*, Appendix, 1st Sess., 34th Congress.

9. "Truth forever on the scaffold, wrong forever on the throne ;

Yet that scaffold sways the future, and behind the
dim unknown

Standeth God within the shadow, keeping watch
above His own."

—From Lowell's *The Present Crisis*.

10. In this omission Sumner praises Kansas for her devotion to liberty and he predicts defeat for the attempt to impose slavery upon the Territory. The tyranny of slavery will be overthrown. The contest involves not only liberty for Kansas but for the whole country.

11. At the close of Sumner's speech Senator Cass, of Michigan, addressed the Senate. He said : " I have listened with equal regret and surprise to the speech of the honorable Senator from Massachusetts,—such a speech—the most un-American and unpatriotic that ever grated on the ears of the members of this high body—as I hope never to hear again here or elsewhere." Cass then spoke at some length in answer to Sumner's use of the case of Michigan as a precedent for the admission of Kansas. Douglas followed Cass.

12. Douglas spoke at some length—his speech occupying more than a page of the *Globe*—in an attack upon Sumner. He recalled the debate on the fugitive slave law in 1854 and

Sumner's reply, when asked whether he recognized the obligation to return a fugitive slave, "Is thy servant a dog that he should do this thing?"—See Sumner's *Works*.

13. In this omission Douglas repels Sumner's attack on General Atchison, formerly a Senator from Missouri, whom Douglas eulogizes.

14. After Douglas closed, Senator Mason, of Virginia, spoke. He denounced Sumner in violent language. Among other things he said: "The necessity of political position alone brings me into relations with men upon this floor whom elsewhere I cannot acknowledge as possessing manhood in any form. I am constrained to hear here depravity, vice in its most odious form uncoiled in this presence, exhibiting its loathsome deformities in accusation and vilification against the quarter of the country from which I come; and I must listen to it because it is a necessity of my position, under a common government, to recognize as an equal, politically, one whom to see elsewhere is to shun and despise." Mason then defends the "slave power" which had been so vehemently attacked, as "the moral power of truth; adherence to the obligations of honor, and the dispensation of those charities of life that ennoble the nature of man."

15. Sumner here quotes further from the debates of 1854.—See Sumner's *Works*, vols. iii. and iv.

16. Sumner here makes a remark in reply to Mason. "I simply say to him, that hard words are not arguments; frowns not reasons; nor do scowls belong to the proper arsenal of parliamentary debate."

18. In discussing this speech Rhodes says: "These citations, therefore, will give an idea of his extravagant statements as well as of his turgid rhetoric; and they show the license which he allowed himself in the use of words when wrought

up on the subject of slavery. It is the speech of a sincere man who saw but one side of the question, whose thought worked in a single groove, and worked intensely. 'There is no other side,' he vehemently declared to a friend.

"Sumner's speech added nothing of legal or political strength to the controversy. The temperate arguments of the senators who preceded him were of greater weight. But the speech produced a powerful sensation. The bravery with which he hurled defiance toward the South and her institutions challenged admiration. Before this session, on one occasion when he was delivering a fierce invective, Douglas said to a friend: 'Do you hear that man? He may be a fool, but I tell you that man has pluck. Nobody can deny that, and I wonder whether he knows himself what he is doing. I am not sure whether I should have courage to say those things to the men who are scowling around him.' But Sumner knew not fear; and his sincerity was absolute. His speech was prepared with care. To write out such a philippic in the cool seclusion of the study, and deliver it without flinching, was emphasizing to the Southerners that in Sumner they had a persistent antagonist whom the fury of their threats could not frighten."—Vol. ii., pp. 133, 134.

For other interesting comments on Sumner and this speech, see Sumner's *Works*, vol. iii.; Schouler; Von Holst; Richardson's *American Literature*, vol. i., pp. 252-4.

PRESTON S. BROOKS.

We add in the text the speech of Brooks in the House of Representatives after the majority, though not the necessary two-thirds, had voted for his expulsion.

Preston S. Brooks was born in Edgefield District, South Carolina, August 10, 1819; graduated at the College of South

Carolina in 1839; studied law, and was admitted to the bar in 1843; served in the Mexican War as a Captain of South Carolina Volunteers; served in Congress from South Carolina from 1853 until his death in 1857. He became notorious from his assault on Sumner.

JUDAH P. BENJAMIN.

1. Judah Philip Benjamin was born in St. Croix, West Indies, August 11, 1811. His parents were English Jews who sailed from England in 1811 to settle in New Orleans. The mouth of the Mississippi being blockaded by the British fleet, they landed for a time at St. Croix. Benjamin's boyhood was spent in Wilmington, North Carolina. He entered Yale College in 1825, but left three years later without receiving his degree. He studied law in New Orleans in a notary's office and was admitted to the bar in 1832. He was a diligent student, and in 1834 he published a "Digest of Reported Decisions of the Supreme Court of the Territory of Orleans and of the Supreme Court of Louisiana." In politics, Benjamin was a Whig. He was a member of the State Convention for the revision of the Constitution in 1845; a presidential elector on the Whig ticket in 1848. He served in the United States Senate from March 4, 1853, until he resigned to cast his fortune with the Confederacy, February 21, 1861. He was re-elected to the Senate in 1859 as a Conservative. During his senatorial career he occupied a pronounced pro-slavery position. He supported Douglas in the Kansas-Nebraska bill, but he afterwards contended that the principle of popular sovereignty contended for by Douglas had been set aside by the Dred Scott decision which Benjamin held should be considered conclusive. As an advocate of the legal claims of slavery he was without a superior, probably without an

equal, in the Senate. His position in this regard drew from Senator Wade the sarcastic remark that Benjamin was a Hebrew with Egyptian principles. On the formation of the provisional government of the Confederate States Benjamin was appointed Attorney-General; in August, 1861, he was transferred to the War Department. Accused of incompetency and neglect he resigned this position but was immediately appointed Secretary of State, which position he held until the overthrow of the Confederacy. He had the reputation of being "the brains of the Confederacy;" he was an indefatigable worker and all work not obviously belonging to other departments was referred to him. After the fall of Richmond he fled from the country, escaping by open boat from Florida to the Bahamas. He reached Liverpool in the fall of 1865, and began the study of law in London in 1866. In 1868 he published a "Treatise on the Law of Sale of Personal Property," now an authority on English law. In 1872 he was made Queen's counsel and his practice became as remunerative as that of any lawyer in England. He died in Paris, May 8, 1884.

2. This speech by Benjamin, delivered in the United States Senate, March 11, 1858, was on Senate Bill No. 161, providing for the admission of Kansas under the Lecompton Constitution. President Buchanan's regular message of December, 1857, endorsing and supporting the Lecompton policy for Kansas, was referred to the Committee on Territories. Senator Douglas, who had antagonized the administration's Lecompton policy, was displaced from the chairmanship of this committee, and Senator Green of Missouri, his successor, brought in the Lecompton Kansas bill on February 18, 1858. Green called up the bill on February 24, when March 1 was set for its consideration. On the latter date Senator Green opened the debate and for several consecutive weeks there-

after the Lecompton bill and other aspects of the Kansas question occupied the attention of the Senate. Preceding the speech of Benjamin, Senator Polk of Missouri, had entered into a long discussion of the subject. The debate opened up all aspects of the slavery question and the leading senators delivered elaborate speeches on the subject. The speech of Douglas in December, 1857, in which he first publicly denounced the administration's Lecompton policy, and that of Seward's in March, 1858, in which he charged collusion in the Dred Scott decision, are especially notable. The speech of Benjamin was one of the best on the Southern side and it is historically valuable as one of the defenses of the doctrine of the right of property in slaves.

3. Benjamin here reviews the settlement of the Colonies, and the introduction of slavery. He shows that before any permanent settlement was effected in the Colonies the Slave Trade was recognized and supported by the law of Great Britain. He referred to repeated enactments of Parliament designed to make this Trade free and secure to British subjects.

4. This refers to the Act of Emancipation in the British West Indies.

5. Benjamin quotes from the decision of Lord Stowell to the effect that slavery was the creature of custom not of law, and that when it was asserted that an evil custom must be abolished it had yet to be proven that, even in the consideration of England, slavery is considered an evil custom in the Colonies. It has been supported in the Colonies by laws, treaties and Court decisions, and while so supported it would be too strong to apply the maxim, *malus usus abolendus est*.

6. Benjamin proceeds at length to show that in Colonial times slavery was the common, recognized institution of the

new world, following the well established policy of the states of Europe. The legislation of all the continental powers was the same on this subject and all of them recognized Colonial slavery. He discusses recent villeinage in England to show that white slavery was the common law of England down to James II., and that white slavery did not disappear from France until 1779. His purpose is to show that the common law of the Colonies as to slavery, as it was understood and recognized in our earlier history, had not changed at the time of the Declaration of Independence and the adoption of the Constitution.

7. In the omission Benjamin contends that the compromises of the Constitution clearly recognized the right to slave property. The Fugitive slave clause was to guarantee the South the possession of its slaves against an application of the principle declared by Mansfield; while the permission to abolish the slave trade after 1808 was to guarantee the North against an undue disturbance of the representative basis by importation of slaves.

8. Collamer then quotes Justice Nelson to the effect that no State, or nation, can affect or bind property out of its own territory; or enact laws to operate beyond its own dominion.

9. Benjamin here touches the vital point in the whole slavery controversy. Were the public conscience and the public judgment, as expressed in the public law of the nation, ready to recognize the right of the master to his slave as resting on the "same principles of eternal justice" which gave the owner the right to his horse, the inventor to his discovery, and the poet to his inspiration? Was the nation ready to place property in man on the same basis as any other recognized undoubted forms of property? In the last resort this was the issue upon which conflict was joined.

10. Benjamin continues his speech using Supreme Court decisions to show that the Constitution of the United States recognizes property in slaves. He quotes Justice McLean, one of the dissentient justices in the Dred Scott case, in the case of *Prigg vs. Pennsylvania*, to the effect that the right of the master was guaranteed by the Constitution. He reviews the Dred Scott decision, criticising the dissenting justices for sending forth a minority opinion "to forestall the public judgment and to undermine popular confidence in the integrity of the judiciary; and he examines at length the right of the Court to give its opinion on the merits of the Dred Scott case after having decided the cause and pronounced the *decision* on the point of law at issue in the case. He eulogizes Taney and defends him against attacks from Hamlin and against the charge of collusion preferred by Seward. He then turns to the question immediately before the Senate—the admission of Kansas under the Lecompton Constitution—reviews affairs in Kansas and attempts to justify the Lecompton scheme as against the party in Kansas favoring the Topeka Constitution.

ABRAHAM LINCOLN.

1. The full story of Abraham Lincoln's life embraces a history of the Civil War in America and a large part of the controversy leading to that war. Knowledge of his career is so extensive and the sources of information concerning him so numerous that it is not necessary to give an extended sketch here.

The compiler of the *Dictionary of Congress* states that while preparing that work for publication, in 1858, he sent to Mr. Lincoln the usual request for a sketch of his life, and received the following reply :

" Born February 12, 1809, in Hardin County, Kentucky.

" Education defective.

" Profession, a lawyer.

" Have been a captain of volunteers in Black Hawk War.

" Postmaster at a very small office.

" Four times a member of the Illinois legislature, and was a member of the lower house of Congress.

" Yours, etc.,

" A. LINCOLN."

Among other facts of Lincoln's life, not included in this modest autobiography, we may notice that he removed to Indiana with his father's family in 1816, and to Illinois in 1830; that for several years he followed the various occupations of flat-boatman, laborer, salesman, merchant, surveyor; he was admitted to the bar in 1836, and began the practice of law in Springfield in 1837; he was a Whig member of the Illinois Legislature, 1834-42; was a Whig member of Congress from Illinois, 1847-49. The joint debate with Douglas in 1858 called him to the attention of the country and was influential in leading to his nomination for the presidency by the Republican party in 1860. His subsequent life is too well known to need further notice here. Among the sources for the study of Lincoln may be named: Hay and Nicolay's *Life of Lincoln*; Herndon's *Life of Lincoln*; Barrett's *Life and Services of Lincoln*; Arnold's *Life of Lincoln*; Morse's *Life of Lincoln*; McClure's *Early Life of Lincoln*; Holland's *Life of Lincoln*; *Complete Works of Lincoln*, in two volumes, edited by Hay and Nicolay; Van Buren's *Lincoln's Pen and Voice*; Brooks' *Life of Lincoln*; Lamon's *Recollections of Lincoln*.

2. The Dred Scott decision was rendered by Chief-Justice Taney on March 6, 1857. Its importance lay, not in the decision of the cause before the Court, but in the opinions of the majority of the Court upon constitutional and political ques-

tions which were agitating the public mind. These opinions of the Court involved the following points :

1. A denial of the legal existence of the African race as persons.

“Can a negro whose ancestors were imported into this country and sold as slaves become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights and privileges and immunities guaranteed by that instrument to the citizen ?” The Court said, No. Negroes were not intended to be included under the word “citizens,” as used in the Constitution ; and in the opinion of the Court, by the language used in the Declaration of Independence it was not intended to include slaves, or their descendants, in the words of that memorable instrument.

See Note 5 on Seward’s Irrepressible Conflict Speech, p. 391.

2. A denial of the right of Congress to prohibit slavery in a Territory.

By this opinion the right of property in slaves was distinctly affirmed. No distinction could be recognized between slave property and other property. “The right of property in a slave is distinctly and expressly affirmed in the Constitution. No word can be found in the Constitution which gives Congress a greater power over slave property or which entitles property of that kind to less protection than property of any other description.”

3. It followed from this, as a corollary, that the anti-slavery restriction of the Missouri Compromise “is not warranted by the Constitution, and is therefore void.”

It will be seen that this decision effectually disposed of the Douglas doctrine of popular sovereignty. If Congress could not prohibit slavery in a Territory it was clear that a Territorial

Legislature, a mere creature of Congress, could not. How Douglas attempts to reconcile his doctrine with the decision is seen in his Freeport speech. See p. 187. Soon after the decision was published Douglas made a speech in Springfield, Illinois, June 12, 1857, in which he eulogized Taney and the Court, defended the decision and represented the Republican opposition to the decision as "lawless violence." He said: "If, unfortunately, any considerable portion of the people of the United States shall so far forget their obligations to society as to allow partisan leaders to array them in violent resistance to the final decision of the highest judicial tribunal on earth, it will become the duty of all the friends of order and constitutional government, without reference to past political differences, to organize themselves and marshal their forces under the glorious banner of the Union, in vindication of the Constitution and the supremacy of the laws over the advocates of faction and the champions of violence. . . . Whoever resists the final decision of the highest judicial tribunal aims a deadly blow at our whole republican system of government,—a blow which, if successful, would place all our rights and liberties at the mercy of passion, anarchy, and violence. I repeat, therefore, that if resistance to the decisions of the Supreme Court of the United States,—in a matter like the points decided in the Dred Scott case, clearly within their jurisdiction as defined by the Constitution—shall be forced upon the country as a political issue, it will become a distinct and naked issue between the friends and the enemies of the Constitution—the friends and the enemies of the supremacy of the laws." *

Proceeding in his speech, Douglas attempted to reconcile the Court's decision with his doctrine of popular sovereignty, setting forth substantially the same view as that expressed in his Freeport speech. Of this attempt of Douglas, Hay and

* Sheahan's *Life of Douglas*, p. 283.

Nicolay's *Life of Lincoln* says: "It was a desperate expedient to shield himself as well as he might from the damaging recoil of his own temporizing statesmanship. The declaration made thus early is worthy of historical notice as being the substance and groundwork of the speaker's somewhat famous 'Freeport Doctrine,' or theory of unfriendly legislation, to which Lincoln's searching interrogatories drove him in the great Lincoln-Douglas debates of the following year. Repeated and amplified at that time, it became in the eyes of the South the unpardonable political heresy which lost him the presidential nomination, and caused the rupture of the Democratic National Convention at Charleston in the summer of 1860."

It was chiefly in answer to this speech of Douglas that Lincoln delivered the speech of our text, on June 26, 1857. The first part of the speech, which is omitted in the text, is taken up with matters of Utah and Kansas. Douglas had asserted that the people of Utah were in rebellion, and should be reduced to subjection,—they were defying the national authority as to polygamy. Lincoln agreed with Douglas on this point, but he regarded Douglas' position as a backdown from his doctrine of popular sovereignty, and he pressed on Douglas the pertinent question, "If the people of Utah shall peacefully form a state constitution tolerating polygamy, will the Democracy admit them into the Union?" Douglas evaded that question. As to Kansas, Lincoln discussed the question as to whether the free-State men had failed in their duty in not voting in the recent election there.

The full speech is found in Hay and Nicolay's edition of *Lincoln's Works*, vol. i., p. 226. For more ample study of the Dred Scott decision the sources are numerous. See Howard's *Opinions in the Dred Scott Case*, *Supreme Court Reports*; Hay and Nicolay's "Life of Lincoln," *Century Magazine*, June, 1887; G. T. Curtis' *Memoir of B. R. Curtis*; Tyler's

Memoir of Taney; Seward's speech in the Senate, March 3, 1858; Thayer's *Cases on Constitutional Law*, pp. 480-496; *New York Nation*, July 5, 1894; Rhodes', *U. S. Hist.*, vol. ii., p. 249, *et seq.*; Schouler's *U. S. Hist.*, vol. v., p. 376, *et seq.*

3 In the omission Lincoln calls to his support the precedent of Jackson's persistent opposition to the Second United States Bank,—an opposition continued after the decision of the Supreme Court which affirmed the constitutionality of the Bank. He quotes Jackson's well-known saying that each officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others." See note on Sumner's Speech on *The Fugitive Slave Law*, vol. ii., p. 429, *American Orations*.

4. Shields had been Douglas' Democratic colleague in the Senate, and Richardson, of Illinois, a leader of the Douglas forces in the House. Both had been defeated for re-election by the anti-Nebraska movement.

5. This is a celebrated passage from Lincoln, and it is probably as good a commentary on the celebrated maxim of the Declaration of Independence as can be found in our political literature.

Springfield Speech, June 17, 1858.

1. For sketch of Lincoln see p. 367.

2. This speech was delivered at Springfield, Illinois, June 17, 1858, at the close of the Republican State Convention. This Convention had nominated Mr. Lincoln as the Republican candidate for United States Senator. Mr. Douglas was not present. Although not delivered in joint debate with Douglas, this speech may be said to have inaugurated that famous series of discussions—the Lincoln-Douglas Debates—between the two great political rivals of Illinois, in the sum-

mer of 1858. Owing to public interest in the slavery question and to Douglas' prominence as a leader in the Democratic party, the local contest in Illinois assumed national importance and attracted the attention of the country. In 1854, when Lyman Trumbull was elected to the United States Senate to succeed General Shields, Lincoln had received the caucus nomination of the Whigs for United States Senator. But there were five Anti-Nebraska Democrats in the Legislature who would not vote for Lincoln nor for any other Whig, and Lincoln generously requested his Whig friends to vote for Trumbull and thus secure his election. Consequently, in 1858, when Douglas' re-election was pending, Lincoln was recognized by popular expectation as the logical candidate of the Republicans. The Convention ratified the popular choice. There was no one within the Democratic ranks to challenge the pre-eminence of Douglas, and he was accepted as the Democratic candidate. Douglas had lately broken with his party,—that is, with the party administration of Mr. Buchanan. The breach occurred over the Lecompton scheme. The Lecompton scheme involved the submission to the people of Kansas, by a pro-slavery convention, of a Constitution on which the people were allowed to vote: "For the Constitution with Slavery," or "For the Constitution without Slavery." In no case were the people allowed to vote against the Constitution, although it contained many objectionable features. It had been clearly promised that the Constitution should be fairly submitted to the people of Kansas. Douglas did not think it had been so submitted, and when Buchanan urged the adoption of the Lecompton Constitution, Douglas refused to give the policy his support, and boldly defied the administration. He made a powerful speech in the Senate on December 9, 1857, in which he stood by his principle of popular sovereignty for Kansas, denouncing the Lecompton scheme as "a trick, a fraud upon the rights of the

people." This course was calculated to win him support in the North among moderate opponents of slavery. Even a number of eastern Republicans were at first willing to see Douglas returned to the Senate from Illinois, as the best instrument of opposition to the slavery program, especially since the Southerners were denouncing him as a renegade and an apostate, and the administration Democrats were opposing him for re-election. Douglas seemed perfectly sincere—there is no evidence to the contrary—in his demand that there should be fair dealing with Kansas on his principle of popular control. In this connection Rhodes says: "The usual explanation of the course of Douglas is that, as his senatorial term would soon expire, and as a legislature would be chosen in 1858 to elect his successor, he saw clearly that if he espoused the Lecompton cause, he would surely be defeated. To insure his political life, therefore, it was necessary to oppose the scheme. This explanation is true as far as it goes, but it does not compass the whole subject nor the whole man. The course of Douglas had been such that men had lost faith in his political consistency and honesty ; so it is not surprising that when he came to do a noble act, it was generally supposed that he did it from purely interested motives. But apart from politics Douglas was a man of honor ; his word was as good as his bond, and he was true to his friends. He loved fair dealing, and this sentiment was outraged by the proceedings in Kansas ; the honesty of his nature could not brook such a course.*

Such was the situation in 1858 with reference to Douglas. He had the advantage of prestige and position. He had a national reputation, while Lincoln's fame had hardly reached beyond his State lines ; but no one knew better than Douglas Lincoln's ability to meet him in debate. Forney reports Douglas

* *History of the United States*, vol. ii., p.285.

as saying: "I shall have my hands full. He is the strong man of his party—full of wit, facts, dates, and the best stump speaker, with his droll ways and dry jokes, in the West. He is as honest as he is shrewd; and if I beat him my victory will be hardly won." *

Lincoln's speech of our text—the one of June 16th—was the key-note of the campaign, and it was intended as such. Hay and Nicolay say of it: "It was perhaps the most carefully prepared speech of his whole life. Every word of it was written, every sentence had been tested; but the speaker delivered it without manuscript or notes. It was not an ordinary oration, but, in the main, an argument as sententious and axiomatic as if made to a bench of jurists. Its opening sentences contained a political prophecy which not only became the groundwork of the campaign, but heralded one of the world's great historical events." †

3. It was chiefly this passage in Lincoln's speech which gave to it note and significance. The passage gave a name to the speech—the "house-divided-against-itself" speech. The same doctrine is here announced which Seward proclaimed in his "Irrepressible Conflict Speech," four months later. Seward's utterance attracted much more public attention than Lincoln's. Seward was the recognized leader of his party, and was looked upon as a political thinker and philosopher. Lincoln was comparatively unknown, and in the public estimation the weight did not attach to his words which they came to have subsequently. Of Lincoln's boldness and leadership in this utterance Rhodes says:

"No Republican of prominence and ability had advanced so radical a doctrine. Lincoln knew that to commit the party

* *Anecdotes of Public Men*, vol. ii., p. 179, cited by Rhodes.

† Hay and Nicholay, *Century Magazine*, July, 1887.

of his State to that belief was an important step, and ought not to be taken without consultation and careful reflection. He first submitted the speech to his friend and partner, Herndon. Stopping at the end of each paragraph for comments, when he had read, 'A house divided against itself cannot stand,' Herndon said: 'That is true, but is it wise or politic to say so?' Lincoln replied: 'That expression is a truth of all human experience, "A house divided against itself cannot stand." . . . I want to use some universally known figure expressed in simple language as universally well known, that may strike home to the minds of men in order to raise them up to the peril of the times; I do not believe it would be right in changing or omitting it. I would rather be defeated with this expression in the speech, and uphold and discuss it before the people, than be victorious without it.'

"When we consider Lincoln's restless ambition, his yearning for the senatorship, and his knowledge that he was starting on an untrodden path, there is nobility in this response. Two years before he had incorporated a similar avowal in a speech, and had struck it out in obedience to the remonstrance of a political friend. Now, however, actuated by devotion to principle, and perhaps feeling that the startling doctrine of 1858 would ere long become the accepted view of the Republican party, he was determined to speak in accordance with his own judgment. Yet as he wanted to hear all that could be said against it, he read the speech to a dozen of his Springfield friends, and invited criticism. None of them approved it. Several severely condemned it. One said it was 'a foolish utterance,' another that the doctrine was 'ahead of its time,' while a third argued that 'it would drive away a good many voters fresh from the Democratic ranks.' Herndon, who was an abolitionist, alone approved it, and exclaimed: 'Lincoln, deliver that speech as read, and it will make you President.'

"After listening patiently to the criticisms of his friends,

who ardently desired his political advancement, he told them that he had carefully studied the subject and thought on it deeply. 'Friends,' said he, 'this thing has been retarded long enough. The time has come when these sentiments should be uttered ; and if it is decreed that I should go down because of this speech, then let me go down linked to the truth—let me die in the advocacy of what is just and right.'"*

This notable utterance, however, was not calculated to attract votes to Mr. Lincoln in his immediate contest. The anti-slavery sentiment was not so strong in Illinois as in some other parts of the Union, and this passage was made the occasion of vigorous attacks by his opponents. It is interesting to notice how Douglas, with his usual adroitness, attempted to turn the passage to Lincoln's disadvantage. At Chicago, on July 9, 1858, Douglas replied to this speech of Lincoln. After complimenting Lincoln personally "as a kind, amiable, and intelligent gentleman, a good citizen and an honorable opponent," Douglas said :

"In other words, Mr. Lincoln asserts, as a fundamental principle of this government, that there must be uniformity in the local laws and domestic institutions of each and all the States of the Union ; and he therefore invites all the non-slaveholding States to band together, organize as one body, and make war upon slavery in Kentucky, upon slavery in Virginia, upon the Carolinas, upon slavery in all of the slaveholding States in this Union, and to persevere in that war until it shall be exterminated. He then notifies the slaveholding States to stand together as a unit and make an aggressive war upon the free States of this Union with a view of establishing slavery in them all ; of forcing it upon Illinois, of forcing it upon New York, upon New England, and upon every other free State, and that they shall keep up the war-

* *History of the United States*, vol. ii., pp. 315, 316.

fare until it has been formally established in them all. In other words, Mr. Lincoln advocates boldly and clearly a war of sections, a war of the North against the South, of the free States against the slave States—a war of extermination—to be continued relentlessly until the one or the other shall be subdued, and all the States shall either become free or become slave.” *

Douglas then proceeded to argue that the framers of the government never deemed it possible nor desirable that there should be uniformity in local institutions and domestic regulations of the different States of the Union.

Lincoln replied to Douglas at Chicago, July 10, 1858, protesting against the interpretation which Douglas had put on the Springfield speech. At Bloomington, on July 16, 1858, Douglas restates the same interpretation. Lincoln answers again in the joint debates. The student is referred to the *Lincoln-Douglas Debates*.

4. See the speech of Chase, p. 3, and reply of Douglas, p. 50.

5. This notable expression of Douglas was used in his famous speech on the Lecompton scheme, December 9, 1857.—See *Congressional Globe*.

6. Stephen A. Douglas, Franklin Pierce, Roger B. Taney, James Buchanan.

The charge of collusion between the Executive and the Judiciary,—between Buchanan and Taney,—had been previously made by Seward, in a celebrated speech in the Senate, March 3, 1858, on the Lecompton Constitution.—See the *Congressional Globe* of that date, and Seward's *Works*, vol. iv.

The charge of collusion is not sustained by any evidence. On this point Rhodes says :

* *Lincoln-Douglas Debates*, v. 9.

"The only evidence for the charge of Seward lay in the statement of the President in his inaugural, that the question as to the time when people of a territory might exclude slavery therefrom was pending before the Supreme Court, and would be speedily settled. Undoubtedly Buchanan then knew what would be substantially the decision of the court on the territorial question, but so did a thousand other men." . . .

"Other Supreme Court decisions have leaked out. Judges have confidential friends ; and the truth is sometimes told by the pronouncing of some doubtful phrase or by an ambiguous giving-out. But, however Buchanan got his intelligence, his character and that of Taney are proof that the chief-justice did not communicate the import of the decision to the President-elect. That either would stoop from the etiquette of his high office is an idea that may not be entertained for a moment ; and we may be sure that with Taney's lofty notions of what belonged to an independent judiciary, he would have no intercourse with the Executive that could not brook the light of day." . . .

"Taney was so incensed at the speech of Seward that he told Tyler, who was afterwards his biographer, that had Seward been nominated and elected President in 1860 instead of Lincoln, he would have refused to administer to him the oath of office."

"The contrast between Seward and Lincoln may be seen in their different treatment of this matter. The tact of Lincoln is shown in making the charge by intimation and by trenchant questions ; then, with humor and exquisite skill, giving a homely illustration which struck the popular mind so forcibly that the notion conveyed by it undoubtedly became the belief of the Republican masses as long as the Dred Scott decision remained a question of politics." . . .

"As politics go, the argument of Lincoln was perhaps allowable."

For further information on this topic, see Seward's Speech, March 3, 1858; Rhodes' *History of the United States*, vol. ii., pp. 268-271; Curtis' *Life of Buchanan*, vol. ii., p. 207; Tyler's *Memoir of Taney*; Benjamin's Speech in the Senate, March 11, 1858, in which he replies to Seward. Douglas also indignantly denied the charge of collusion. What Buchanan had to say may be seen in Curtis' *Life of Buchanan*.

7. Mace was a Democratic Representative from Indiana, who opposed the Nebraska bill.—See his speech in the *Congressional Globe*.

8. Was this a political probability, or was it said for political effect?

9. This refers to Douglas' quarrel with the Buchanan administration and his vote against the Lecompton Constitution.

10. Lincoln's appeal in his peroration to entrust the anti-slavery cause to none but its undoubted friends was inspired by the fact that many Republicans of national prominence seemed willing to see Douglas re-elected, on account of the stand he had taken in the Lecompton matter. The following is from Hay and Nicolay: "Greeley, in the *New York Tribune*, as well as in private letters, made no concealment of such a desire. Burlingame, in the House of Representatives, called upon the young men of the country to stand by the Douglas men. It was known that Colfax and other influential members of the House were holding confidential interviews with Douglas, the object of which it was not difficult to guess. There were even rumors that Seward intended to interfere in his behalf." *

* "Life of Lincoln," *Century Magazine*, July, 1887.

STEPHEN A. DOUGLAS.

1. For sketch of Douglas, see p. 345.

2. This speech is a selection from the famous joint debates between Lincoln and Douglas, being Douglas' reply to Lincoln at Freeport, August 27th. Lincoln's reply to Douglas at Alton is a good selection to read in connection with Douglas' Freeport speech.

On July 24th Lincoln challenged Douglas to a joint discussion, and arrangements were made accordingly. Rhodes says :

"The two leaders met first at Ottawa, August 21st. That Lincoln was willing to pit himself against Douglas in joint debate showed an abiding confidence in his cause and in his ability to present it. For he had to contend with the ablest debater of the country, the man who in senatorial discussion had overmastered Seward, Chase, and Sumner, and who more recently had discomfited the champions of Leocompton. Lincoln had less of the oratorical gift than Douglas, and he lacked the magnetism that gave the Little Giant such a personal following. Tall, lean, gaunt, and awkward, his appearance as he rose to speak was little fitted to win the sympathy of his hearers. 'When he began speaking,' writes Herndon, 'his voice was shrill, piping, and unpleasant. His manner, attitude, his dark, yellow face, wrinkled and dry, his oddity of pose, his diffident movements, all seemed against him. But when he got into the heart of his subject, he forgot his ungainly appearance ; his soul, exalted by dwelling upon his cause, illumined his face with earnestness, making it lose "the sad, pained look due to habitual melancholy ;" and his voice and gesture became effective.' In every speech of Lincoln breathed forth sincerity and devotion to right. Whatever other impressions were received by the crowds who gath-

ered to hear him in the summer and fall of 1858, they were as one in the opinion that they had listened to an honest man." *

By the arrangement Douglas was to speak one hour at Ottawa, Lincoln to reply for an hour and a half, and Douglas to make a half-hour's rejoinder. In like manner Lincoln should open and close at Freeport, and so on alternately. Douglas had four openings and closes to Lincoln's three. In the course of Douglas' first speech at Ottawa he proposed to Lincoln "seven distinct interrogatories."—See the *Debates*. In opening at Freeport Lincoln proposed the following questions to Douglas :

Question 1. If the people of Kansas shall, by means entirely unobjectionable in all other respects, adopt a State Constitution, and ask admission into the Union under it, *before* they have the requisite number of inhabitants according to the English bill—some ninety-three thousand—will you vote to admit them?

Q. 2. Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State Constitution?

Q. 3. If the Supreme Court of the United States shall decide that States cannot exclude slavery from their limits, are you in favor of acquiescing, adopting, and following such decision as a rule of political action?

Q. 4. Are you in favor of acquiring additional territory, in disregard of how such acquisition may affect the nation on the slavery question?

After proposing these questions Lincoln assumes the aggres-

* See also the Hay and Nicolay "Life of Lincoln," *Century Magazine*, July, 1887. Rhodes' *History of the United States*, vol. ii., pp. 323, 324.

sive, and charges Douglas with conspiring to make slavery a national institution. As evidence of this he called attention to the rejection of the Chase amendment by Douglas and his party. This amendment, offered for the purpose of exposing the pro-slavery purpose of the bill, expressly declared that the people of the Territory should have the power to exclude slavery if they saw fit. Lincoln would make out that the "larger liberty" which Douglas claimed that he had secured for the people of the Territory was merely the liberty to *have* slavery, not a liberty to refuse to have it. After occupying his allotted hour he gave way to Douglas, who gave the speech of our text.

3. Douglas charges Lincoln with evading questions which he (Douglas) had put to him.

4. The Senate bill admitting Kansas under the Lecompton Constitution, was amended in the House, April 1, 1858, on motion of Montgomery, a Democratic member from Pennsylvania. The same amendment had been offered in the Senate by Crittenden, a Whig Senator from Kentucky. The proposition, which came to be known as the Crittenden-Montgomery Compromise, involved the submission of the Lecompton Constitution to a vote of the people of Kansas. If accepted, Kansas should become a State on the proclamation of the President; if rejected, the people of Kansas were authorized to form another Constitution and State government. The House passed this amendment, but the Senate would not accept it. In the Committee of Conference between the Senate and House, William H. English, a Representative from Indiana, proposed another Compromise which came to be known as the English Bill. This proposed to donate to the State of Kansas a large tract of public land if the State would accept the Lecompton Constitution; if not, the Territory

could not be admitted as a State until its population equalled the ratio required for a representative. If the people of Kansas chose to accept the Lecompton Constitution, they could come in with only 35,000 inhabitants; if they rejected it they were compelled to stay out until they should have 93,420 inhabitants. Douglas considered this feature of the English bill an unfair discrimination, and he refused to vote for the bill; it does not appear that he made any objection to the land bribe. The people of Kansas refused to ratify the Lecompton Constitution even with these inducements attached. In the omitted passage Douglas defends his record on Kansas, holding that if the Territory had enough population for a slave State it had enough for a free State.

5. This is the passage which contains Douglas' "Freeport Doctrine," or the "doctrine of unfriendly legislation."—See Note to Lincoln's speech on the Dred Scott Decision, p. 370. This was Douglas' way of reconciling the Dred Scott decision with his principle of popular sovereignty. It was not a new position for Douglas. He announced the same theory of "unfriendly legislation" in his speech on the Dred Scott Decision at Springfield, June 12, 1857; and again at Bloomington, July 16, 1858.—See these speeches in the *Lincoln-Douglas Debates*.

But these statements of Douglas did not attract public attention as did his answer to Lincoln at Freeport. Rhodes says:

"This answer attracted more attention throughout the country than any statement of Douglas during the campaign; and, while he could not have been elected senator without taking that position, the enunciation of the doctrine was an insuperable obstacle to cementing the division in the Democratic party. The influence of this meeting at Freeport is an example of the greater interest incited by a joint debate than

by an ordinary canvass, and illustrates the effectiveness of the Socratic method of reasoning. During this same campaign, Douglas had twice before declared the same doctrine in expressions fully as plain and forcible, but without creating any particular remark ; while now the country resounded with discussions of the Freeport theory of "unfriendly legislation."*

The following extract from Hay and Nicolay's *Life of Lincoln*, bearing on this point, is of interest to the historical student :

"To comprehend the full force of this interrogatory, the reader must recall the fact that the 'popular sovereignty' of the Nebraska bill was couched in vague language, and qualified with the proviso that it was 'subject to the Constitution.' The caucus which framed this phraseology agreed, as a compromise between Northern and Southern Democrats, that the courts should interpret and define the constitutional limitations, by which all should abide. The Dred Scott decision declared in terms that Congress could not prohibit slavery in Territories nor authorize a territorial legislature to do so. The Dred Scott decision had thus annihilated "popular sovereignty." Would Douglas admit his blunder in law, and his error in statesmanship ?

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"Lincoln clearly enough comprehended the dilemma and predicted the expedient of his antagonist. He had framed his questions and submitted them to a consultation of shrewd party friends. This one especially was the subject of anxious deliberation and serious disagreement. Nearly a month before, Lincoln in a private letter accurately foreshadowed Douglas' course on this question. 'You shall have hard work to get him directly to the point whether a territorial legislature has or has not the power to exclude slavery. But

* Rhodes' *History of the United States*, vol. ii., p. 328.

if you succeed in bringing him to it—though he will be compelled to say it possesses no such power—he will instantly take ground that slavery cannot actually exist in the Territories unless the people desire it, and so give it protection by territorial legislation. If this offends the South, he will let it offend them, as at all events he means to hold on to his chances in Illinois.’ There is a tradition that on the night preceding this Freeport debate Lincoln was catching a few hours’ rest, at a little railroad centre named Mendota, to which place the converging trains brought after midnight a number of excited Republican leaders, on their way to attend the great meeting at the neighboring town of Freeport. Notwithstanding the late hour, Mr. Lincoln’s bedroom was soon invaded by an improvised caucus, and the ominous question was once more brought under consideration. The whole drift of advice ran against putting the interrogatory to Douglas; but Lincoln persisted in his determination to force him to answer it. Finally his friends in a chorus cried out, ‘If you do, you can never be Senator.’ ‘Gentlemen,’ replied Lincoln, ‘I am killing larger game; if Douglas answers, he can never be President, and the battle of 1860 is worth a hundred of this.’”*

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The feeling of the Southern Democrats toward Douglas on account of the “Freeport Doctrine” was well expressed by Senator Benjamin, of Louisiana, in a speech in the Senate, May 22, 1860. Benjamin said: “It is impossible that confidence thus lost can be restored. On what ground has that confidence been forfeited, and why is it that we now refuse him our support and fellowship? I have stated our reason to-day. I have appealed to the record. I have not followed

* Hay and Nicolay’s “Life of Lincoln,” *Century Magazine*, July, 1887.

him back in the false issue or the feigned traverse that he makes in relation to matters that are not now in contest between him and the Democratic party. The question is not what we all said or believed in 1840 or in 1856. How idle was it to search ancient precedents and accumulate old quotations from what Senators may have at different times said in relation to their principles and views. The precise point, the direct arraignment, the plain and explicit allegation made against the Senator from Illinois is not touched by him in all of his speech.

“We accuse him for this, to wit: that having bargained with us upon a point upon which we were at issue, that it should be considered a judicial point; that he would abide the decision; that he would act under the decision, and consider it a doctrine of the party; that having said that to us here in the Senate, he went home, and under the stress of a local election, his knees gave way; his whole person trembled. His adversary stood upon principle and was beaten; and lo! he is the candidate of a mighty party for the Presidency of the United States. The Senator from Illinois faltered. He got the prize for which he faltered; but lo! the grand prize of his ambition to-day slips from his grasp because of his faltering in his former contest, and his success in the canvass for the Senate, purchased for an ignoble price, has cost him the loss of the Presidency of the United States.”

6. The omission at this point is as follows: “Lincoln knows that the Nebraska bill, without Chase’s amendment, gave all the power which the Constitution would permit. Could Congress confer any more? Could Congress go beyond the Constitution of the country? We gave all—a full grant, with no exception in regard to slavery one way or the other. We left that question as we left all others, to be decided by the people for themselves, just as they pleased. I will not

occupy my time on this question. I have argued it before, all over Illinois. I have argued it in this beautiful city of Freeport; I have argued it in the North, the South, the East, and the West, avowing the same sentiments and the same principles. I have not been afraid to avow my sentiments up here for fear I would be trotted down into Egypt."

7. This passage, as published in the *Lincoln-Douglas Debates*, edited by Hay and Nicolay, is as follows: "I denounced the article on the floor of the Senate, in a speech which Mr. Lincoln now pretends was against the President. The 'Union' had claimed that slavery had a right to go into the free States, and that any provision in the constitution or laws of the free States to the contrary was null and void. I denounced it in the Senate, as I said before, and I was the first man who did."

8. Hale and Wilson were Republican Senators from New Hampshire and Massachusetts.

9. Was this question of Lincoln's more startling and impudent in 1858 than the following would have been in, say, 1830 or 1840—"If the Supreme Court of the United States shall decide that Congress cannot exclude slavery from the territories, are you in favor of acquiescing in, adopting, and following it?" Did the late aggressions of slavery justify Lincoln's question?

10. The omitted passage is as follows: "Our fathers supposed that we had enough when our territory extended to the Mississippi River, but a few years' growth and expansion satisfied them that we needed more, and the Louisiana territory, from the west branch of the Mississippi to the British possessions, was acquired. Then we acquired Oregon, then California and New Mexico. We have enough now for the present, but this is a young and growing nation. It swarms as

often as a hive of bees, and as new swarms are turned out each year, there must be hives in which they can gather and make their honey. In less than fifteen years, if the same progress that has distinguished this country for the last fifteen years continues, every foot of vacant land between this and the Pacific Ocean, owned by the United States, will be occupied. Will you not continue to increase at the end of fifteen years as well as now? I tell you, increase, and multiply, and expand, is the law of this nation's existence. You cannot limit this great republic by mere boundary lines, saying, 'Thus far shalt thou go, and no further.' Any one of you gentlemen might as well say to a son twelve years old that he is big enough and must not grow any larger, and in order to prevent his growth put a hoop around him to keep him to his present size. What would be the result? Either the hoop must burst and be rent asunder, or the child must die. So it would be with this great nation."

WILLIAM H. SEWARD.

I. This speech was delivered by Seward at Rochester, New York, on October 25, 1858. It was a speech from the stump, during a political campaign. As a stump speech it takes high rank. It is statesman-like and dignified in tone; and it has probably attracted as much attention and exerted as wide an influence as any campaign speech in the history of American politics. Its purpose was to arraign the Democratic party for its devotion to slavery, to expose the injustice of the slave system, and to contrast the benefits of the free-labor system with the evils of the slave-labor system. The speech was significant and became famous because of the eminence of Seward as a

leader and because of the character of the doctrine which he announced—that the struggle with slavery was an “irrepressible conflict,” and that one side or the other must give way. Seward was looked upon as the probable Republican candidate for the presidency in the approaching campaign of 1860. Jefferson Davis had called him the “master mind” of the Republican party, and this speech was regarded as an announcement of Seward’s policy and program, or his attitude toward the slavery problem.

2. Alexander II. of Russia abolished slavery in that country in 1861, an act by which 23,000,000 of his subjects became free.—See Müller’s *Political History of Recent Times*, p. 267.

3. This passage from Seward’s speech was called by his opponents “a brutal and bloody manifesto” and Seward was called “a dangerous and fanatical Abolitionist.” The same idea is contained in Lincoln’s Springfield speech delivered four months previously, on June 17. Rhodes says: “It is not probable that Lincoln’s ‘house-divided-against-itself’ speech had any influence in bringing Seward to this position. He would at this time have certainly scorned the notion of borrowing ideas from Lincoln; and had he studied the progress of the Illinois canvass, he must have seen that the declaration did not meet with general favor.”

Lincoln himself recognized that Seward’s utterance was independent of his own. Speaking at Columbus, Ohio, September, 1859, after reaffirming his belief in the doctrine of his “house-divided-against-itself” speech, Lincoln said:

“While I am here on this subject, I cannot but express gratitude that this true view of this element of discord among us—as I believe it is—is attracting more and more attention. I do not believe that Gov. Seward uttered that sentiment be-

cause I had done so before, but because he reflected upon this subject and saw the truth of it. Nor do I believe, because Gov. Seward or I uttered it, that Mr. Hickman of Pennsylvania, in different language, since that time, has declared his belief in the utter antagonism which exists between the principles of liberty and slavery. You see we are multiplying. Now, while I am speaking of Hickman, let me say, I know but little about him. I have never seen him, and know scarcely anything about the man; but I will say this much of him: of all the anti-Lecompton Democracy that have been brought to my notice, he alone has the true, genuine ring of the metal."

The student of our political history will consider whether Seward's analysis of the situation was the same as that of Lincoln, and whether he had fairly interpreted the inevitable moral movement of his generation.

4. Rufus Choate had said before a Whig Convention in Maine, in 1849, that the "signers of the Declaration of Independence offered their maxim to the world that 'all men are created equal' only as a beautiful and glittering generality." Taney, in rendering the Dred Scott decision, had used words which might serve as the basis for this passage from Seward.

See also Lincoln's speech on the Dred Scott decision, and Note 2, p. 368, and the discussions on the interpretation of the Declaration of Independence in the *Lincoln-Douglas Debates*.

5. The interdiction consisted in leaving the slave trade open for twenty years, which by implication allowed its prohibition after that time, and of the language of the Constitution which says, "but a tax or duty may be imposed on such importation not exceeding \$10.00 for each person."

6. It is not probable that the framers of the Constitution

had in mind an amendment of that instrument for the purpose of eradicating slavery.

7. This utterance is not like "a brutal and bloody manifesto." It is rather of the essence of law and constitutionalism. Seward probably thought it necessary to say this to guard himself against the charge of proposing unconstitutional violence against the institution of slavery. Neither Seward nor Lincoln proposed a war of sections.

8. In the omitted passage Seward shows how the slavery oligarchy proposed to control the Republic, and he reviews the record of the Democratic party, seeking to show that throughout its whole history since the era of good feeling under Monroe, the Democratic party had been committed to the policy of slavery. The passage is of considerable length and it deserves the student's attention.

9. The historic Jeffersonian maxim was, "Equal rights for all, special privileges for none."—See "Jefferson's First Inaugural Address," vol. i., *American Orations*.

10. Seward had been a life-long Whig. Why had the Whig party succumbed to pro-slavery influence?

11. Valuable comments and criticisms upon this speech may be found in *Von Holst*, vol. 1856-59, p. 266.

JOHN P. HALE.

1. John Parker Hale was born at Rochester, New Hampshire, March 31, 1806; graduated at Bowdoin College in 1827; studied law; was admitted to the bar in 1830, and commenced practice at Dover, N. H.; was a member of the New Hampshire Legislature in 1832; was appointed by Pres

ident Jackson, in 1834, United States Attorney for the district of New Hampshire, and was removed by President Tyler in 1841 for party reasons; was elected to Congress from New Hampshire as a Democrat, serving from December 4, 1843, to March 3, 1845; was renominated by the Democrats as their candidate for the succeeding Congress, but his views against the annexation of Texas on anti-slavery grounds caused the Democratic leaders to pronounce him a traitor, call a new convention and nominate another candidate; he ran as an Independent candidate, and no one of the three candidates receiving a majority, the district was unrepresented; was elected to the State Legislature in 1846, and was chosen speaker; was elected a United States Senator as an anti-slavery man, serving from December 6, 1847, to March 3, 1853; was the Free-Soil candidate for the Presidency in 1852, receiving 157,000 votes; was elected again to the United States Senate in 1855, serving in the Senate from 1855 to 1865; was appointed by President Lincoln Minister to Spain, serving from 1865 to 1869; he died at Dover, New Hampshire, November 18, 1873. (Poore's *Congressional Directory and Political Register*.)

"Mr. Hale began the agitation of the slavery question almost immediately upon his entrance into the Senate, and continued it in frequent speeches during his sixteen years of service in that body. He was an orator of handsome person, clear voice, and winning manners, and his speeches were replete with humor and pathos. His success was due to his powers of natural oratory, which, being exerted against American chattel-slavery, seldom failed to arouse sympathetic sentiments in his audiences."—Art. in Appleton's *Cyc. of Am. Biog.*

2. The speeches of Hale and Iverson were both delivered on December 5, 1860, at the opening of the memorable session

of Congress. 1860-61, which covered the period of the secession movement. (See Note 2 on Crittenden's speech, p. 402.) Congress convened on Monday, December 3, 1860. On the 4th, President Buchanan submitted to the two houses his regular message, which consisted of a long discussion of the state of the country and the problem of secession. Senator Clingman, of North Carolina, made in the Senate the usual motion that the message be printed. On this motion Clingman made a notable speech, setting forth moderate secession, or anti-coercion, opinion in the South. He was followed by Crittenden with a border-State opinion in opposition to secession, and in a forcible plea for the Union. Senator Fitch, of Indiana, moved that extra copies of the President's message be printed, and this motion on December 5 became the occasion of the speeches of our text from Hale and Iverson. Davis of Mississippi, Wigfall of Texas, and other senators also engaged in the discussion. The debates took a wide range, covering the subjects of slavery and disunion.

3. This criticism of Hale's is similar to the jesting criticism of Seward's on President Buchanan's message. Seward is reported to have said: "I think the President has conclusively proven two things: (1) That no State has a right to secede unless it wishes to; and (2) that it is the President's duty to enforce the laws unless somebody opposes him."—Hay and Nicolay's *Life of Lincoln*, chapter on the Secession Movement.

4. In the conclusion of his speech Hale replies to the prevalent charge that the Northern States were the aggressors in promoting the unhappy state of disunion then existing. He denied that the North had committed aggressions upon the rights of the South, and he claimed that the Southern people had been misled as to the Republican sentiment and attitude in the North by unfair aspersions of political presses

and demagogues in the North. He claimed for New Hampshire that she had constantly observed her constitutional obligations ; and he charged that, if aggressions had occurred in the North, equal aggressions against the rights of the citizens of the free States had occurred in the South. Hale closed with remarks on the nature of the impending crisis, and with expressions of hope that we might avoid presenting to the world the spectacle of dissolution.

ALFRED IVERSON.

1. Alfred Iverson was born in Burke County, Georgia, December 3, 1798 ; received a classical education, graduating at Princeton in 1820 ; was admitted to the bar, and commenced practice at Columbus, Ga. ; was a member of the State House of Representatives for three years, and of the State Senate for one year ; was a Polk elector in 1844 ; served in Congress from Georgia, 1847-49 ; was United State Senator from Georgia from 1855 to January 28, 1861, when he retired from the Senate ; was an ardent advocate of secession ; served in the war of the Rebellion as colonel of a Georgia regiment, and was appointed brigadier-general in November, 1862 ; he died at Macon, Georgia, March 5, 1874.

2. See Note 2 on Hale's speech, p. 393.

3. In the passage omitted Iverson asserts that South Carolina will not stand alone in secession. Other States will join her. "Before the 4th of March, before you inaugurate your President, there will be certainly five States, if not eight of them, that will be out of the Union and have formed a constitution and frame of government for themselves." It was time to look the crisis in the face. The repeal of the personal liberty bills would not stop the Southern revolution. He proposed not to wait for overt acts on the part of Mr. Lincoln.

The power of the Federal Government could be exercised to destroy slavery, and the South should act before it was too late.

4. In the omitted passage Iverson asserts that there will be no war; that there have been but two instances in modern history in which a nation has been overcome by a foreign foe: Hungary was conquered by Austria, Mexico by the United States. "But the fifteen slave States, or even the five now moving, banded together in one government, and united as they are soon to be, would defy the world in arms. Fighting on our own soil, in defense of our own sacred rights and honor, we could not be conquered even by the combined forces of all the other States; and sagacious, sensible men, in the Northern States, would understand that too well to make the effort."

5. Compare this with Webster's remarks on the impossibility of peaceable secession, in the 7th of March Speech, vol. ii., *American Orations*.

6. This quotation is from a memorable speech of Thomas Corwin, Senator from Ohio, delivered in the Senate in February, 1847, in opposition to the Mexican War. See the published speeches of Corwin.

BENJAMIN F. WADE.

1. Benjamin Franklin Wade was born near Springfield, Mass., October 27, 1800. He was of Puritan ancestry. His education was received chiefly from his mother. He was admitted to the bar in Ohio in 1827, and in 1831 formed a partnership with Joshua R. Giddings. In 1837 Wade was elected as a Whig to the State Senate. His opposition to a State Fugitive Slave law cost him his re-election, but he was chosen to the State Senate again in 1841. In 1847 he was elected by the Legislature as Judge of the 3d Judicial

District in Ohio, and while occupying this position he was elected to the United States Senate, serving three terms in the Senate, from 1851 to 1869.

Wade was a radical anti-slavery man. He boldly favored the repeal of the Fugitive Slave Law, and opposed the Kansas-Nebraska bill, the Lecompton scheme, and the purchase of Cuba. His speeches on these subjects and on the homestead bill are worthy of attention. After the assault on Sumner, Senator Toombs, of Georgia, stated in the Senate that he witnessed the assault and approved it. Wade made a vehement reply, denouncing the act of Brooks as the act of an assassin. He said further: "Overpowered or not, live or die, I will vindicate the right and liberty of debate and freedom of discussion upon this floor, so long as I live. If the principle now announced here is to prevail, let us come armed for the combat; and although you are four to one, I am here to meet you. God knows a man can die in no better cause than in vindicating the rights of debate on this floor." It was expected that Wade would be challenged for his speech, and Wade, Cameron, and Chandler made a compact to resent any insult from a Southerner by a challenge to fight.

After the bombardment of Sumter, Wade favored a vigorous prosecution of the war, and, as chairman of the Committee on Territories, he brought in a bill in 1862 to abolish slavery in all the Territories. He was joint author of the Wade-Davis scheme of Reconstruction, and he boldly antagonized Lincoln on that subject. In 1867 he became acting Vice-President of the United States, as president *pro tempore* of the Senate. He voted for President Johnson's impeachment in 1868, and the conviction of the President would have made Wade acting President. Wade was succeeded in the Senate by Allen G. Thurman in 1869. In 1876 he favored the nomination of Rutherford B. Hayes for the Presidency, and was at the head of the Ohio delegation in the Cincinnati Convention, though

he bitterly condemned President Hayes' subsequent course in relation to the Southern States. Wade was widely admired and respected for his fearlessness, independence, and rugged honesty.

See the sketch of Wade in Appleton's *Cyclopædia of American Biography*; and Riddle's *Life of Wade*.

2. This speech of Wade's, delivered in the United States Senate December 17, 1860, was made on the Powell Resolution providing for the Committee of Thirteen (see p. 403), the day before the Crittenden Compromise was introduced. Rhodes says of the speech that it advanced Wade to the leadership of the radical Republicans, and that it undoubtedly at that time had the approval of a majority of his party. The *New York Tribune*, changing from its peace policy, endorsed Wade's policy as "the only safe doctrine." The doctrine can be summed up in two words—"No compromise." An interesting extract from an editorial in the *New York World* of December 19, 1860, is cited by Rhodes: "Wade is the Republican Senator from the agricultural State of Ohio, and his speech is probably a very exact reflex not merely of the Republican sentiment of his State but of all the great agricultural communities of the North. . . . Wade's speech derives its significance from the circumstance that it may be taken as a pretty accurate index of the sentiment of the great mass of the Republicans in respect to the crisis. The tone of their press for the last ten days accords with the anti-compromise tone of this speech. The current, indeed, seems setting more and more strongly in that direction. The ground on which a majority of the Republican party stands to-day is earnest opposition to any further compromises, combined with entire willingness to accord to the South every right guaranteed to it by the Constitution."—Rhodes' *History of the United States*, vol. iii., p. 165.

3. In a brief omission Wade reiterates the statement that "if there be anything wrong in the legislation of the Federal Government you of the dominant party, not we, are responsible for it."

4. The omitted passage contains a colloquy between Wade and Senator Green, of Missouri, on the Personal Liberty bills as evidence of a public sentiment at the North hostile to slavery. Green said: "When it is said that this fugitive slave law is obnoxious to the North, and runs counter to these old guarantees concerning personal liberty, I say that the recovery of fugitives from justice is, under the Constitution and under the law, just as summary without Trial by Jury, and must of necessity be so. Why is not the same complaint made about forgers, and murderers, and scoundrels that steal? Not a word of liberty bills in their behalf; but all for the negro."

5. In the omitted passage Wade contends that the Fugitive Slave law had been well executed at the North. He refers to the testimony of Senator Pugh of Ohio, Senator Fitch of Indiana, Senator Douglas of Illinois, all Democratic Senators, to bear him out in this assertion. Wade then brings forward a counter charge that there were greater violence and disregard of law in the South, and that the rights of Northern people were not regarded there, but that Northern Republicans were treated with political ostracism and persecution.

6. Wade proceeds in his discussion to show that his party is not a setter-forth of new doctrines, that it stands where Washington, Jefferson, Madison, and Monroe had stood—merely for the non-extension of slavery. When Wade asserted that the Senator from Georgia (Iverson) had said that he did not apprehend any violation of Southern rights, or of the Constitution, by Mr. Lincoln, he was drawn into a long colloquy

by Iverson and by Powell, of Kentucky. Iverson asserted that he *did* anticipate violations of the Constitution in hostility to slavery, by Mr. Lincoln ; and Powell contended that specific charges *had* been made against the North and its policy and that these charges were yet unanswered. The matter which Powell pressed on Wade was the refusal of Governor Dennison, of Ohio, to deliver up to Kentucky a fugitive from justice charged with negro stealing. Wade would not answer directly whether he condemned or approved the governor's action.

7. Wade spends some time to show that what the Republicans had gained they could not afford to compromise. They had fairly elected the President ; he must be seated. " When it is denied in this Government that a majority fairly given shall rule,—the people are unworthy of free government." A right of that kind cannot be compromised or given away. A verdict of the people cannot be surrendered by those who have been elected to execute it.

8. Wade here enters into an argument against the constitutional right of a State to secede. He would not make war upon a seceding State, but the Chief Magistrate must enforce the laws and collect the revenues. Of the duty of the President to collect the revenues in a seceding State, he says : " The Constitution in thunder tones demands that he shall do it alike in the ports of every State. What follows? Why, sir, if he shuts up the ports of entry so that a ship cannot discharge her cargo there or get papers for another voyage, then ships will cease to trade ; or if he undertakes to blockade her, and thus collect it, she has not gained her independence by secession. What must she do? If she is contented to live in this equivocal state all would be well, perhaps ; but she could not live there. No people in the world could live in that condition. What will they do? They must take the

initiative and declare war upon the United States ; and the moment that they levy war force must be met by force ; and they must, therefore, hew out their independence by violence and war."

9. In the omission Wade expresses the rather surprising opinion that after the United States were released from all obligations to slavery, Mexico would seek a protectorate from us, and that our trade and prosperity would be greatly promoted toward the southwest. He then turns to the charge, expressed by Senators Pugh and Douglas, that the Black Republican party wished to promote negro equality. Wade proposed to provide a home and a country for the free black man in Central America or Mexico, and then, under the homestead policy, "to invite the poor, the destitute, industrious white man from every clime under heaven, to come in here and make his fortune." Then it will be seen in course of time, whether an empire based on slave labor would prove more prosperous than an empire with freemen and free labor alone as its support. This vision of the future was based on the supposition that the South succeeded in hewing out its independence by the fortunes of war.

JOHN J. CRITTENDEN.

1. John Jordon Crittenden was born in Woodford County, Ky., September 10, 1787. He graduated at William and Mary College in 1807 ; served as a soldier in the War of 1812 ; was a member of the Kentucky House of Representatives in 1816 ; was United States Senator from Kentucky from December 1, 1817, to March 3, 1819 ; practiced law at Frankfort, Ky., from 1819 to 1835 ; was again a United States Senator from Kentucky (Whig), from 1835 to 1841 ; was

Attorney-General of the United States under Harrison, but resigned at the accession of Tyler ; was again elected to the United States Senate, serving from March 31, 1842, until he resigned in 1848 ; was governor of Kentucky, 1848-50 ; was Attorney-General under President Fillmore, serving from July 20, 1850, to March 3, 1853, during which service he rendered a decision in favor of the constitutionality of the Fugitive Slave Law ; was again United States Senator, serving from December 3, 1855, to March 3, 1861 ; was succeeded in the Senate by John C. Breckinridge, but was immediately elected from Kentucky to the House of Representatives as a Unionist. He died, while a candidate for re-election to the House, near Frankfort Ky., July 26, 1863.

Crittenden was a lifelong Whig and a devoted friend of the Union. He favored the election of Harrison in 1840, of Clay in 1844, of Bell and Everett in 1860. He exerted every effort to save the Union and avert war by compromise in 1860-61, but failing in this he stood by the government with loyal courage, and his influence was a powerful factor in keeping Kentucky in the Union. He strongly opposed secession and held it to be the right and duty of the administration to maintain the Union by force. He opposed an anti-slavery policy in the conduct of the war, and in his last speech, February 22, 1863, he opposed the conscription bill and the employment of slaves as soldiers, claiming that the original purpose of the war had been changed.

Appleton's *Cyclopædia of American Biography*.

Poore's *Political Register and Congressional Directory*.

Century Dictionary of Names.

Coleman's *Life of Crittenden*.

2. After the election of Lincoln, November, 1860, South Carolina took steps for a dissolution of the Union. Her Legislature, which was in session on election day for the purpose of choosing presidential electors, called a State

Convention to meet on December 17. When Congress met in regular session, December 3, 1860, it was evident that South Carolina would secede, and that the sentiment in the other cotton States would lead them to pursue the same course. The Union seemed dissolving. The regular message of President Buchanan was unsatisfactory. It denied the right of a State to secede, but it also denied that there was any power in the national government to preserve the Union against forcible secession. The question was, would the victorious party in the North make such concessions as would satisfy the South? Or was it too late for concession and compromise to allay the disunion spirit in the South? Compromise had temporarily settled our sectional troubles in 1820, in 1833, in 1850, and it was hoped by many that the same spirit and policy might prevail again.

The principal grievances of the South were (1) The Personal Liberty laws of some of the Northern States, and the refusal to enforce the Fugitive Slave Law. (2) The proposed exclusion of slavery from the common territories. (3) The election of Lincoln by a party avowedly hostile to their domestic institution of slavery. Various propositions of conciliation and compromise were made. The House recommended to the Northern States a repeal of their unconstitutional Personal Liberty laws; Senator Lane, of Oregon, proposed a Constitutional Convention of the States; Senator Powell, of Kentucky, proposed to refer the part of the President's message relating to the "present agitated and distracted condition of the country," to a special committee of thirteen, and the committee was instructed "to inquire into the present condition of the country and report by bill, or otherwise." The Powell resolution passed on December 17, and the committee for which it provided consisted of the following Senators: Powell of Kentucky, Hunter of Virginia, Crittenden of Kentucky, Seward of New York, Toombs of

Georgia, Douglas of Illinois, Collamer of Vermont, Davis of Mississippi, Wade of Ohio, Bigler of Pennsylvania, Rice of Minnesota, Doolittle of Wisconsin, and Grimes of Iowa. This was the famous Committee of Thirteen. The most important proposition coming before this Committee was the Crittenden Compromise, proposed in the Senate December 18, by Senator Crittenden, of Kentucky. This compromise proposed amendments to the Constitution providing as follows:

1. The re-establishment of the line of $36^{\circ} 30'$. In all territory north of that line slavery should be prohibited; in all territory south of the line "slavery is recognized as existing and shall not be interfered with by Congress, but slaves shall be protected as property by all the departments of the territorial government during its continuance."

2. Congress shall not abolish slavery in places under its exclusive jurisdiction, and situate within the limits of slave States.

3. Congress shall not abolish slavery in the District of Columbia, without compensation, and without the consent of its inhabitants, or without the consent of Virginia and of Maryland.

4. Congress shall not prohibit nor hinder the inter-state slave trade.

5. Provision should be made to pay owners for rescued fugitive slaves.

6. No future amendment of the Constitution should affect the preceding provisions, and no amendment should ever be made to authorize Congress to abolish, or interfere with, slavery in any of the States where slavery is or may be permitted.

Resolutions accompanied these proposed Constitutional amendments, which are sufficiently explained in Crittenden's speech. When the Committee of Thirteen came to deliberate

upon the Crittenden proposition it was decided that no report at all should be made unless it could be agreed to by a majority of the Republicans on the Committee, and also by a majority of the other eight members. On the first and most important Crittenden article—the one proposing settlement of the slavery question in the Territories—seven of the thirteen members of the committee voted in the negative,—all the Republicans and Davis and Toombs. Davis and Toombs asserted that they stood ready to agree to the measure if the Republicans had been willing to support it. The responsibility for the defeat of the Crittenden compromise seemed to rest with the Republicans, and Crittenden's appeals were chiefly to them.

3. In the omission Crittenden shows the extent to which free territory had increased over slave territory since the adoption of the Constitution. With such acquisitions as the Northern side had received since the beginning, should that section now make objection to the restoration of a line “which will leave to you on the north side of it nine hundred and odd thousand square miles, and leave to the South only two hundred and eighty-five thousand?” “Sir, it is a cheap sacrifice. It is a glorious sacrifice. This Union cost a great deal to establish it; it cost the yielding of much of public opinion and much of policy, besides the direct or indirect cost of it in all the war to establish the independence of this country. When it was done, General Washington himself said: ‘Providence has helped us, or we could not have accomplished this thing.’ And this gift of our wisest men; this great work of their hands; this work in the foundation and structure of which Providence himself, with his benignant hand, helped—are we to give it all up for such small considerations?”

ROBERT TOOMBS.

1. The main facts in the life of Robert Toombs are as follows: He was born in Wilkes County, Georgia, July 2, 1810; he died at Washington, Georgia, December 15, 1885. He was a Whig member of Congress from Georgia, 1845-53; United States Senator from Georgia, 1853-61; member of the Confederate Congress, 1861; Confederate Secretary of State from February to July, 1861; resigned the Secretaryship of State to accept a commission as Brigadier-General in the Confederate army, and served in the second battle of Bull Run and at Antietam in 1862; commanded the Georgia militia in 1864; lived abroad, 1865-7, when he returned to America, but refused to take the oath of allegiance to the United States Government, and died an "unreconstructed rebel."

Toombs was a leading disunionist in the years preceding the outbreak of the Civil War, and as a representative of the South in the Senate he was bold, uncompromising, and defiant. He was one of the ablest and most eloquent exponents of the Southern view, honest and outspoken. After the election of Lincoln in 1860, Toombs made a series of speeches in Georgia, in which he asserted that the North could not be depended on to respect the constitutional rights of the South, and that secession was the only remedy. He resigned his seat in the United States Senate in January, 1861, and was formally expelled from that body in the following March.

Appleton's *Cyclopædia of American Biography*

Century Dictionary of Names.

Poore's *Political Register and Congressional Directory.*

2. On January 3, 1861, Mr. Crittenden moved in the Senate for a referendum on his Compromise propositions; that is, he proposed that the Crittenden Compromise should be referred to the people. In offering this motion he said: "The meas-

ure which I am about to propose, sir, is of that extraordinary character ; and I shall be at a loss for a justification and excuse for it, if it cannot be found in the perilous condition of public affairs, and in that great law, the safety of the people. I hope the measure may be productive of some good. I shall therefore lay it on the table, with all other measures tending to that object, to be considered by the Senate. I beg leave, sir, as the resolution is in my handwriting, and perhaps not readily to be read by the Clerk, to read it myself :

“ Whereas the Union is in danger, and, owing to the unhappy divisions existing in Congress, it would be difficult, if not impossible, for that body to concur in both its branches by the requisite majority so as to enable it either to adopt such measures of legislation, or to recommend to the States such amendments to the Constitution as are deemed necessary and proper to avert that danger ; and whereas in so great an emergency the opinion and judgment of the people ought to be heard, and would be the best and surest guide to their representatives ; therefore,

“ *Resolved*, That provision ought to be made by law without delay for taking the sense of the people and submitting to their vote the following resolutions as the basis for the final and permanent settlement of those disputes that now disturb the peace of the country and threaten the existence of the Union.”

Then followed the propositions of compromise. The motion of Crittenden was debated at length on January 3d, when Toombs obtained the floor and moved “ to postpone the further consideration of this question until Monday next, when,” he said, “ I desire to offer some observations on the various propositions which have been submitted, and probably on the general state of the country.” Crittenden called up the question again on the 7th, and after speaking at length on the general compromise propositions, was followed by Toombs in the speech of our text.

3. In South Carolina the Presidential electors were chosen by the Legislature. This body convened as usual on the day of the Presidential election, 1860, but instead of adjourning as usual after the electors were named, it continued its sessions until the result of the election was known. It then proceeded to call a convention to consider the policy of secession. This explains the "greater facility" to which Toombs refers.

4. The Legislature of Georgia appointed January 2, 1861, as the day for the election of delegates to a Convention to consider secession. The Convention met on January 16th, and passed the Ordinance of Secession on January 19th. The manner of electing some of the delegates to the Convention had been questioned.

5. Was this equivalent to a demand that the North should sustain slavery? Was the Union possible on these terms? Why should the demand not have been granted by the North?

6. In the omission Toombs quotes from specific acts of non-slave-holding States, notably Vermont and Maine, interfering with the rendition of fugitive slaves. He then goes on to say that having now obtained possession of the national government, the Black Republican party under Lincoln will not depend on personal liberty bills. "They are far in advance of such contrivances. The progressive spirit of the age will not wait upon such devices. They may now dispense with these superseded devices; but I undertake to say here that no Black Republican Legislature that repeals them will ever say that it is their purpose or duty to surrender the fugitive. No, sir, they do not intend to do that. They may delude you in order to get power; they may deceive you to get possession of this Government; but there is neither faith, nor truth, nor manhood in this conspiracy."

7. Lincoln in his speech in Cooper Institute, New York, February 27, 1860, said: "Senator Douglas' new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private."

Toombs here implies that insurrection and sedition within the States, if directed against slavery, would come under "offences against the laws of nations."

8. This refers to Governor Andrew, of Massachusetts.

9. The omitted passage treats of the origin and nature of the Union.

10. Toombs expresses doubt as to whether the adoption of the Constitution in 1787-8 was a good thing.

He refers to Lincoln's speeches in Illinois proposing a peaceable reversal of the Dred Scott decision, and continued adherence to the policy of restriction. The special utterance of Lincoln which Toombs had in mind was as follows:

"If I were in Congress, and a vote should come up on the question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision, I would vote that it should."

11. Toombs here refers to the following declaration of the Republican platform of 1860, adopted at Chicago.

"*Resolved*, That the new dogma that the Constitution, of its own force, carries slavery into any or all of the territories of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent, is revolutionary in its tendency, and subversive of the peace and harmony of the country."

12. A considerable part of Toombs' speech at this point is taken up with a discussion of the right of the South to protec-

tion for slave property in the Territories, and with an arraignment of the attitude of the Republican party toward that question and toward the Dred Scott decision.

In his closing passages Toombs charged that the Republicans proposed to outlaw \$4,000,000,000 of property "of poor people in the Territories," and that the South's only guarantee that this would not be done was "your treachery to yourselves."

Toombs discusses Lincoln's attitude toward slavery, charging him with accepting "every cardinal principle of the Abolitionists." He charges the Republicans with being Abolitionists without the courage and honesty to declare themselves as such. "Garrison," says Toombs, "looks at it squarely and honestly. He says to the Abolitionists of the other sort: 'Your government is a pro-slavery government; you take oaths and you violate them; we will not take these oaths because we will not break them.' . . . So it seems that the Abolitionists with whom we have to deal are so base that the honest Abolitionists themselves will not trust them." Toombs proceeded to discuss the requirement that laws should be passed punishing all who aid and abet insurrection. He refers to the insurrection of John Brown, and reverts to Lincoln's criticism of Douglas' proposed law in restraint of insurrection.

SAMUEL S. COX.

1. Samuel Sullivan Cox was born at Zanesville, Ohio, September 30, 1824; graduated at Brown University in the class of 1846; studied and practiced law; was editor of *The Columbus* (Ohio) *Statesman* in 1853 and 1854, and while editing this journal he gained the nickname of "Sunset," from a highly rhetorical description of a sunset which he published in his

journal; he was appointed secretary of legation to Peru in 1855; was a Democratic member of Congress from Ohio from 1857 to 1865; was also a member of Congress from New York City from 1869 to 1873, and from 1875 to 1885; was United States Minister to Turkey 1885-86: on his return to New York, was elected to Congress to fill a vacancy, and was re-elected in 1888. He died at New York, September 10, 1889. Cox was recognized as one of the leading orators of Congress, and was known for many years as the wit of the House. He was a "War Democrat," sustaining the government in the Civil War by voting money and men, although he was prominent in opposing many of the political policies of the administration. In politics, in his younger days, he was a devoted follower of Stephen A. Douglas, and his eulogy on Douglas delivered in 1861, in the House of Representatives, is a recognized masterpiece. He was the author of *A Buckeye Abroad, Eight Years in Congress, Three Decades of Federal Legislation, and Puritanism in Politics*.

See Poore's *Congressional Directory*.

Appleton's *Cyclopædia of American Biography*.

2. The speech of Cox was made in the House of Representatives January 14, 1862, on the occasion of an ordinary appropriation bill, making appropriations for the Army for the year ending June 30, 1862. The bill was made the occasion of a general debate on the question of secession and the state of the country. Mr. McClernand had preceded Cox in a long speech.

3. In passages omitted here Cox describes the situation of the country and seeks to allay criminations and threats and insults. He lays down certain propositions which he proposes to discuss: 1. That secession is not a right in any possible relation in which it can be viewed; to tolerate it, in theory or practice, is moral treason to patriotism and good

government. 2. Secession is revolution. 3. Every effort at conciliation should be exhausted before force is applied. 4. If the North does not do her part fully in making concessions it will be impossible to unite the Northern people in repressing secession. 5. If the South will patiently seek her rights in the Union she will succeed; if repulsed in her patient endeavors she will go out in peace. 6. If she go out inconsiderately she will involve the fearful hazard of war. 7. The North will defend the Union against defiant and unconstitutional aggression at every sacrifice.

4. The body of Mr. Cox's speech, covering several pages in the *Globe*, is occupied with an argument against secession, and in discussing the various propositions which he laid down in the beginning. (See Note above.) He examines the grievances of the South and considers them insufficient to justify such a violent procedure as secession, which he considers revolution. The speech is found in full in the *Congressional Globe*, 2nd Session, 36th Congress, Part i., pp. 372-377, January 14 1861.

5. He quotes from Henry Clay a warning against the great disaster of civil war; and from Madison against the evils of dissolution. Dissolution would inevitably lead to civil war, and the condition of the States would be worse than that of the discordant states of Europe.

6. In the omission Cox expresses the hope that disunion and war may be averted, and he appeals to the example and precepts of Washington as a restraint against passion and violence. "Let us heed" he says, "with an all-embracing and an all-compromising patriotism, the warning of Washington, whose voice, though he be dead yet speaketh from yonder tomb at Mt. Vernon, and whose august presence I would summon here as the PRESERVER of that country whose greatest pride it is to hail him as its FATHER."

JEFFERSON DAVIS.

1. Jefferson Davis was born in Christian County, Kentucky, June 3, 1808; received a classical education, studying at Transylvania University; graduated at West Point in 1828, and was lieutenant of infantry and of dragoons until 1835; engaged in cotton planting in Mississippi; was a presidential elector on the Polk and Dallas ticket in 1844; served in Congress from December, 1845, to June, 1846, when he resigned to command a regiment in the Mexican War, serving in the field until July, 1847, distinguishing himself at Monterey and Buena Vista; declined appointment as Brigadier-General in May, 1847; was appointed United States Senator from Mississippi, and was subsequently elected, serving from December, 1847, to November, 1851; ran as secession candidate for Governor of Mississippi in 1851, and was defeated by Senator H. S. Foote, Union candidate. Was Secretary of War under President Pierce from March 7, 1853, to March 3, 1857; was again elected United States Senator, serving from March 4, 1857, until he withdrew, January 21, 1861; was chosen President of the Confederate States by the Provisional Congress, and was inaugurated February 18, 1861; was afterwards elected President of the Confederate States for the constitutional term of six years, and was inaugurated February 22, 1862; was captured by Federal troops at Irwinsville, Ga., May 10, 1865, imprisoned two years at Fortress Monroe, and then released on \$100,000 bail, Horace Greeley's name being first in the list of his bondsmen. On May 8, 1866, Davis was indicted for treason by a grand jury in the United States Court for the district of Virginia, but he was never brought to trial. The last years of his life were spent in quiet retirement at Beauvoir, Miss., on an estate bequeathed to him by a Mrs. Dorsey. He died at New Orleans, La., December 6, 1889.

See Alfriend's *Life of Davis* ; *Life of Davis*, by his Wife ; Davis' *Rise and Fall of the Confederate Government* ; Poore's *Political Register* ; Appleton's *Cyclopædia of American Biography*.

2. At the time Davis made this speech, bidding a final adieu to the Senate, the following States had passed ordinances of secession : South Carolina, December 20, 1860 ; Mississippi, January 9, 1861 ; Florida, January 10, 1861 ; Alabama, January 11, 1861 ; Georgia, January 19, 1861.

Other States were preparing to leave. The speeches on this occasion seemed to many to mark the final dissolution of the American Union, and a peculiar interest attached to the scene. The speech of Davis is important, also, because of the historic prominence of its author and because of its authoritative distinction between nullification and secession.

"On the twenty-first of January, 1861, the most impressive and painful scene in the annals of the United States of America was witnessed in the Senate Chamber. The rumor had gone abroad that the senators of several of the states which had seceded were about to withdraw from the Senate. The chamber was filled with members and with those who had the privilege of the floor, and the galleries were crowded with spectators. Every state was present except South Carolina ; her senators had not come to the capitol, but had sent in their resignations in writing before the session began, and when the time came the chairs of these senators were empty. The first state to turn its back upon the Union was Florida, one which had been among the latest to be welcomed with open arms by the sisterhood of states ; it was also one of the weakest. Rising in his place, Yulee set forth briefly the reasons which had led his state to secede, and then he bade adieu to the Senate. He was followed by the other Senator from this state, Mallory, who alluded to the fidelity with which the

South had clung to the Union throughout her patient endurance of insult and wrong, and in the same breath announced that Florida had come into the Union only fifteen years before, and that, from the Union as their fathers had made it, there breathed not a secessionist upon the soil of this state. . . . Fitzpatrick, of Alabama, followed Mallory, and Mississippi followed Alabama. Every eye and every ear was intent upon Jefferson Davis when he rose. He was not in good health, but to this alone could be attributed any faltering or agitation. There was none. This was the crowning hour of his existence, and he approached the culmination of his life-work with calmness and dignity. All his life long he had maintained the right of a state to withdraw from the Union, and this as an attribute of sovereignty coequal with the right under which the state had entered into the Union. He was no nullifier, nullification implied union, and he was no unionist. To nullify was to parry, to palliate; it was to confess a right, yet to avoid its obligations. Nullification and secession were incompatible principles. Davis neither parried, nor compromised, nor sulked; he believed that the states were sovereign and unaccountable, and where there had been aggression he would not acknowledge superior power, but he was for meeting aggression on the threshold by denying the superiority; therefore, to Union he opposed dis-Union; to aggression, resistance. . . . The *States* were going out. All that ever had been feared, or derided as improbable, or defied as impossible, or talked against, written against, prayed against, all this had actually come to pass, and in the visible physical forms of the departing senators, the States were leaving never to return. Impenetrable gloom, foreboding, and thick darkness settled upon the Senate Chamber, and the soul was troubled: each man searched his heart to find if it were he who had dishonored his fathers, and had shortened the days of the land which the Lord his God had given him. The on-lookers

thought of Webster and his prayer, that his dying eyes, as they sought the sun, might not behold it shining upon a torn and rent land, and they cursed the hour in which they themselves were witnessing the dissolution of the Union. Woe worth the day!"—From Eben Greenough Scott's *Reconstruction During the Civil War*, pp. 1-5.

3. This refers to the rescue of Shadrach, a fugitive slave, in Boston in 1852, and to similar cases of resistance to the Fugitive Slave law. Massachusetts denied the use of her jails for the detention of the fugitives. See Sumner's speech, August 26, 1852, and the Senatorial encounter of Sumner and others in 1854.—Vol. ii., *American Orations*.

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VII.

CIVIL WAR AND RECON-
STRUCTION.

VII.

CIVIL WAR AND RECONSTRUCTION.

THE transformation of the original secession movement into a *de facto* nationality made war inevitable, but acts of war had already taken place, with or without State authority. Seizures of forts, arsenals, mints, custom-houses, and navy yards, and captures of Federal troops, had completely extinguished the authority of the United States in the secession area, except at Fort Sumter in South Carolina, and Fort Pickens and the forts at Key West in Florida; and active operations to reduce these had been begun. When an attempt was made, late in January, 1861, to provision Fort Sumter, the provision steamer, *Star of the West*, was fired on by the South Carolina batteries and driven back. Nevertheless, the Buchanan administra-

tion succeeded in keeping the peace until its constitutional expiration in March, 1861, although the rival and irreconcilable administration at Montgomery was busily engaged in securing its exclusive authority in the seceding States.

Neither of the two incompatible administrations was anxious to strike the first blow. Mr. Lincoln's administration began with the policy outlined in his inaugural address, that of insisting on collection of the duties on imports, and avoiding all other irritating measures. Mr. Seward, Secretary of State, even talked of compensating for the loss of the seceding States by admissions from Canada and elsewhere. The urgent needs of Fort Sumter, however, soon forced an attempt to provision it; and this brought on a general attack upon it by the Confederate batteries around it. After a bombardment of two days, and a vigorous defence by the fort, in which no one was killed on either side, the fort surrendered, April 14, 1861. It was now impossible for the United States to

ignore the Confederate States any longer. President Lincoln issued a call for volunteers, and a proclamation announcing a blockade of the coast of the seceding States. A similar call on the other side and the issue of letters of marque and reprisal against the commerce of the United States were followed by an act of the Confederate Congress formally recognizing the existence of war with the United States. The two powers were thus locked in a struggle for life or death, the Confederate States fighting for existence and recognition, the United States for the maintenance of recognized boundaries and jurisdiction; the Confederate States claiming to be at war with a foreign power, the United States to be engaged in the suppression of individual resistance to the laws. The event was to decide between the opposing claims; and it was certain that the event must be the absolute extinction of either the Confederate States or the United States within the area of secession.

President Lincoln called Congress together

in special session, July 4, 1861; and Congress at once undertook to limit the scope of the war in regard to two most important points, slavery and State rights. Resolutions passed both Houses, by overwhelming majorities, that slavery in the seceding States was not to be interfered with, that the autonomy of the States themselves was to be strictly maintained, and that, when the Union was made secure, the war ought to cease. If the war had ended in that month, these resolutions would have been of some value; every month of the extension of the war made them of less value. They were repeatedly offered afterward from the Democratic side, but were as regularly laid on the table. Their theory, however, continued to control the Democratic policy to the end of the war.

For a time the original policy was to all appearance unaltered. The war was against individuals only; and peace was to be made with individuals only, the States remaining untouched, but the Confederate States being

blotted out in the process. The only requisite to recognition of a seceding State was to be the discovery of enough loyal or pardoned citizens to set its machinery going again. Thus the delegates from the forty western counties of Virginia were recognized as competent to give the assent of Virginia to the erection of the new State of West Virginia; and the Senators and Representatives of the new State actually sat in judgment on the reconstruction of the parent State, although the legality of the parent government was the evident measure of the constitutional existence of the new State. Such inconsistencies were the natural results of the changes forced upon the Federal policy by the events of the war, as it grew wider and more desperate.

The first of these changes was the inevitable attack upon slavery. The labor system of the seceding States was a mark so tempting that no belligerent should have been seriously expected to have refrained from aiming at it. January 1, 1863, after one hundred days' notice,

President Lincoln issued his Emancipation Proclamation, freeing the slaves within the enemy's lines as rapidly as the Federal arms should advance. This one break in the original policy involved, as possible consequences, all the ultimate steps of reconstruction. Readmission was no longer to be a simple restoration; abolition of slavery was to be a condition-precedent which the government could never abandon. If the President could impose such a condition, who was to put bounds to the power of Congress to impose limitations on its part? The President had practically declared, contrary to the original policy, that the war should continue until slavery was abolished; what was to hinder Congress from declaring that the war should continue until, in its judgment, the last remnants of the Confederate States were satisfactorily blotted out? This, in effect, was the basis of reconstruction, as finally carried out. The steady opposition of the Democrats only made the final terms the harder.

The principle urged consistently from the beginning of the war by Thaddeus Stevens, of Pennsylvania, was that serious resistance to the Constitution implied the suspension of the Constitution in the area of resistance. No one, he insisted, could truthfully assert that the Constitution of the United States was then in force in South Carolina ; why should Congress be bound by the Constitution in matters connected with South Carolina ? If the resistance should be successful, the suspension of the Constitution would evidently be perpetual ; Congress alone could decide when the resistance had so far ceased that the operations of the Constitution could be resumed. The terms of readmission were thus to be laid down by Congress. To much the same effect was the different theory of Charles Sumner, of Massachusetts. While he held that the seceding States could not remove themselves from the national jurisdiction, except by successful war, he maintained that no Territory was obliged to become a State, and that no State was

obliged to remain a State; that the seceding States had repudiated their State-hood, had committed suicide as States, and had become Territories; and that the powers of Congress to impose conditions on their readmission were as absolute as in the case of other Territories. Neither of these theories was finally followed out in reconstruction, but both had a strong influence on the final process.

President Lincoln followed the plan subsequently completed by Johnson. The original (Pierpont) government of Virginia was recognized and supported. Similar governments were established in Tennessee, Louisiana, and Arkansas, and an unsuccessful attempt was made to do so in Florida. The amnesty proclamation of December, 1863, offered to recognize any State government in the seceding States formed by one tenth of the former voters who should take the oath of loyalty and support of the emancipation measures. At the following session of Congress, the first bill providing for congressional supervision of the re-

admission of the seceding States was passed, but the President retained it without signing it until Congress had adjourned. At the time of President Lincoln's assassination Congress was not in session, and President Johnson had six months in which to complete the work. Provisional governors were appointed, conventions were called, the State constitutions were amended by the abolition of slavery and the repudiation of the war debt, and the ordinances of secession were either voided or repealed. When Congress met in December, 1865, the work had been completed, the new State governments were in operation, and the XIIIth Amendment, abolishing slavery, had been ratified by aid of their votes. Congress, however, still refused to admit their Senators or Representatives. The first action of many of the new governments had been to pass labor, contract, stay, and vagrant laws which looked much like a re-establishment of slavery, and the majority in Congress felt that further guarantees for the security of the freedmen were necessary before the war could be truly said to be over.

Early in 1866 President Johnson imprudently carried matters into an open quarrel with Congress, which united the two thirds Republican majority in both Houses against him. The elections of the autumn of 1866 showed that the two thirds majorities were to be continued through the next Congress; and in March, 1867, the first Reconstruction Act was passed over the veto. It declared the existing governments in the seceding States to be provisional only; put the States under military governors until State conventions, elected with negro suffrage and excluding the classes named in the proposed XIVth Amendment, should form a State government satisfactory to Congress, and the State government should ratify the XIVth Amendment; and made this rule of suffrage imperative in all elections under the provisional governments until they should be readmitted. This was a semi-voluntary reconstruction. In the same month the new Congress, which met immediately on the adjournment of its predecessor, passed a supplementary act. It directed

the military governors to call the conventions before September 1st following, and thus enforced an involuntary reconstruction.

Tennessee had been readmitted in 1866. North Carolina, South Carolina, Florida, Alabama, Louisiana, and Arkansas were reconstructed under the acts, and were readmitted in 1868. Georgia was also readmitted, but was remanded again for expelling negro members of her Legislature, and came in under the secondary terms. Virginia, Georgia, Mississippi, and Texas, which had refused or broken the first terms, were admitted in 1870, on the additional terms of ratifying the XVth Amendment, which forbade the exclusion of the negroes from the elective franchise.

In Georgia the white voters held control of their State from the beginning. In the other seceding States the government passed, at various times and by various methods during the next six years after 1871, under control of the whites, who still retain control. One of the avowed objects of reconstruction has thus

failed ; but, to one who does not presume that all things will be accomplished at a single leap, the scheme, in spite of its manifest blunders and crudities, must seem to have had a remarkable success. Whatever the political status of the negro may now be in the seceding States, it may be confidently affirmed that it is far better than it would have been in the same time under an unrestricted readmission. The whites, all whose energies have been strained to secure control of their States, have been glad, in return for this success to yield a measure of other civil rights to the freedmen, which is already fuller than ought to have been hoped for in 1867. And, as the general elective franchise is firmly imbedded in the organic law, its ultimate concession will come more easily and gently than if it were then an entirely new step.

During this long period of almost continuous exertion of national power there were many subsidiary measures, such as the laws authorizing the appointment of supervisors for congressional elections, and the use of Federal troops

as a *posse comitatus* by Federal supervisors, which were not at all in line with the earlier theory of the division between Federal and State powers. The Democratic party gradually abandoned its opposition to reconstruction, accepting it as a disagreeable but accomplished fact, but kept up and increased its opposition to the subsidiary measures. About 1876-7 a reaction became evident, and with President Hayes' withdrawal of troops from South Carolina, Federal control of affairs in the Southern States came to an end.

Foreign affairs are not strictly a part of our subject ; but, as going to show one of the dangerous features of the Civil War, the possibility of the success of the secession sentiment in England in obtaining the intervention of that country, the speech of Mr. Beecher in Liverpool, with the addenda of his audience, has been given.

ABRAHAM LINCOLN,*

OF ILLINOIS.¹

(BORN 1809, DIED 1865.)

FIRST INAUGURAL ADDRESS, MARCH 4, 1861.²

FELLOW CITIZENS OF THE UNITED STATES :

In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President "before he enters on the execution of his office."

I do not consider it necessary at present for me to discuss those matters of administration about which there is no special anxiety or excitement.

Apprehension seems to exist, among the people of the Southern States, that by the accession of a Republican administration their property and their peace and personal security are to be endangered. There never has been

* For notes on Lincoln, see Appendix, p. 423.

any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations, and had never recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

"Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter

under what pretext, as among the gravest of crimes.”

I now reiterate these sentiments ; and, in doing so, I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in any wise endangered by the now incoming administration. I add, too, that all the protection which, consistently with the Constitution and the laws, can be given, will be cheerfully given to all the States, when lawfully demanded, for whatever cause, as cheerfully to one section as to another.

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions :

“ No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves ; and

the intention of the lawgiver is the law. All members of Congress swear their support to the whole Constitution—to this provision as much as any other. To the proposition, then, that slaves whose cases come within the terms of this clause, “shall be delivered up,” their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by National or by State authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him, or to others, by what authority it is done. And should any one, in any case, be content that his oath should go unkept, on a mere unsubstantial controversy as to how it shall be kept?

Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well, at the same time, to provide by law for

the enforcement of that clause of the Constitution which guarantees that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States" ?

I take the official oath to-day with no mental reservation, and with no purpose to construe the Constitution or laws by any hypercritical rules. And while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our National Constitution. During that period, fifteen different and greatly distinguished citizens have, in succession, administered the Executive branch of the government. They have conducted it through many perils, and generally with great success. Yet, with all this scope for precedent, I now enter upon the same task for the brief constitutional term of four years, under great and peculiar difficulty. A disruption of the

Federal Union, heretofore only menaced, is now formidably attempted.

I hold that in contemplation of universal law, and of the Constitution, *the Union of these States is perpetual*. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Government, and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it?

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774

It was matured and continued by the Declaration of Independence in 1776.³ It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was "to form a more perfect union."

But if destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity.

It follows, from these views, that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faith-

fully executed in all the States. Doing this I deem to be only a simple duty on my part ; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself. In doing this there need be no bloodshed or violence ; and there shall be none, unless it be forced upon the National authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the government, and to collect the duties and imposts ; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States, in any interior locality, shall be so great and universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the government to enforce the exercise of these offices, the attempt to do so would be

so irritating, and so nearly impracticable withal, that I deem it better to forego, for the time, the uses of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union. So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper, and in every case and exigency my best discretion will be exercised, according to circumstances actually existing, and with a view and a hope of a peaceful solution of the National troubles, and the restoration of fraternal sympathies and affections.

That there are persons in one section or another who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm nor deny ; but if there be such, I need address no word to them. To those, however, who really love the Union, may I not speak?

Before entering upon so grave a matter as the destruction of our National fabric, with all its benefits, its memories, and its hopes, would

it not be wise to ascertain why we do it? Will you hazard so desperate a step while there is any possibility that any portion of the certain ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from,—will you risk the omission of so fearful a mistake?

All profess to be content in the Union, if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guaranties and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable

to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all possible questions. Shall fugitives from labor be surrendered by National or State authority? The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government is acquiescence on one side or the other. If a minority in such case will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to

secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this.

Is there such perfect identity of interests among the States to compose a new Union, as to produce harmony only, and prevent renewed secession?

Plainly, the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left. * * *

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either

amicable or hostile, must continue between them. It is impossible, then, to make that intercourse more advantageous or more satisfactory after separation than before. Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always, and when after much loss on both sides and no gain on either you cease fighting, the identical old questions as to terms of intercourse are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it. I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. * * *^b I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid

misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that, holding such a provision now to be implied constitutional law, I have no objections to its being made express and irrevocable.⁶

The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix terms for the separation of the States. The people themselves can do this also if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present government as it came to his hands, and to transmit it, unimpaired by him, to his successor. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the Almighty Ruler of Nations, with his eternal truth and justice, be on your side of the North, or yours of the South, that truth and that justice will surely prevail, by the judgment of this great tribunal of the American people. By the frame of the Government under which we live, the same people have wisely given their public servants but little

power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and on the sensitive point, the laws of your own framing under it; while the new Administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in this dispute there is still no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty. In your hands, my dissatis-

fied fellow-countrymen, and not in mine, are the momentous issues of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to "preserve, protect, and defend" it.

I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection. The mystic cords of memory, stretching from every battle-field and patriot grave to every living heart and hearth-stone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

JEFFERSON DAVIS,*

OF MISSISSIPPI.¹

(BORN 1808, DIED 1889.)

INAUGURAL ADDRESS, MONTGOMERY, ALA., FEB
RUARY 18, 1861.²

GENTLEMEN OF THE CONGRESS OF THE CON-
FEDERATE STATES OF AMERICA, FRIENDS,
AND FELLOW-CITIZENS :

Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of the governed, and that it is the right of the people to alter and abolish governments whenever they become destructive to the ends for which they were established. The declared compact of the Union from which we have withdrawn was to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity ; and when in the judgment

* For notes on Davis, see Appendix, p. 427.

of the sovereign States now composing this Confederacy it has been perverted from the purposes for which it was ordained, and ceased to answer the ends for which it was established, a peaceful appeal to the ballot-box declared that, so far as they were concerned, the government created by that compact should cease to exist. In this they merely asserted the right which the Declaration of Independence of 1776 defined to be inalienable. Of the time and occasion of this exercise they as sovereigns were the final judges, each for himself. The impartial, enlightened verdict of mankind will vindicate the rectitude of our conduct; and He who knows the hearts of men will judge of the sincerity with which we labored to preserve the government of our fathers in its spirit.

The right solemnly proclaimed at the birth of the States, and which has been affirmed and reaffirmed in the bills of rights of the States subsequently admitted into the Union of 1789, undeniably recognizes in the people the power to resume the authority delegated for the purposes of government. Thus the sovereign States here represented proceeded to form this Confederacy; and it is by the abuse of language that their act has been denominated

revolution. They formed a new alliance, but within each State its government has remained. The rights of person and property have not been disturbed. The agent through whom they communicated with foreign nations is changed, but this does not necessarily interrupt their international relations. Sustained by the consciousness that the transition from the former Union to the present Confederacy has not proceeded from a disregard on our part of our just obligations or any failure to perform every constitutional duty, moved by no interest or passion to invade the rights of others, anxious to cultivate peace and commerce with all nations, if we may not hope to avoid war, we may at least expect that posterity will acquit us of having needlessly engaged in it. Doubly justified by the absence of wrong on our part, and by wanton aggression on the part of others, there can be no use to doubt the courage and patriotism of the people of the Confederate States will be found equal to any measure of defence which soon their security may require.

An agricultural people, whose chief interest is the export of a commodity required in every manufacturing country, our true policy is peace

and the freest trade which our necessities will permit. It is alike our interest and that of all those to whom we would sell and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of commodities. There can be but little rivalry between ours and any manufacturing or navigating community, such as the northeastern States of the American Union. It must follow, therefore, that mutual interest would invite good-will and kind offices. If, however, passion or lust of dominion should cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency, and maintain by the final arbitrament of the sword the position which we have assumed among the nations of the earth.

We have entered upon a career of independence, and it must be inflexibly pursued through many years of controversy with our late associates of the Northern States. We have vainly endeavored to secure tranquillity and obtain respect for the rights to which we were entitled. As a necessity, not a choice, we have resorted to the remedy of separation, and henceforth our energies must be directed to the conduct of our own affairs, and the perpetuity of the Con-

federacy which we have formed. If a just perception of mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled. But if this be denied us, and the integrity of our territory and jurisdiction be assailed, it will but remain for us with firm resolve to appeal to arms and invoke the blessing of Providence on a just cause. * * *

Actuated solely by a desire to preserve our own rights, and to promote our own welfare, the separation of the Confederate States has been marked by no aggression upon others, and followed by no domestic convulsion. Our industrial pursuits have received no check, the cultivation of our fields progresses as heretofore, and even should we be involved in war, there would be no considerable diminution in the production of the staples which have constituted our exports, in which the commercial world has an interest scarcely less than our own. This common interest of producer and consumer can only be intercepted by an exterior force which should obstruct its transmission to foreign markets, a course of conduct which would be detrimental to manufacturing and commercial interests abroad.

Should reason guide the action of the government from which we have separated, a policy so detrimental to the civilized world, the Northern States included, could not be dictated by even a stronger desire to inflict injury upon us ; but if it be otherwise, a terrible responsibility will rest upon it, and the suffering of millions will bear testimony to the folly and wickedness of our aggressors. In the meantime there will remain to us, besides the ordinary remedies before suggested, the well-known resources for retaliation upon the commerce of an enemy.

* * *⁴ We have changed the constituent parts but not the system of our government. The Constitution formed by our fathers is that of these Confederate States. In their exposition of it, and in the judicial construction it has received, we have a light which reveals its true meaning. Thus instructed as to the just interpretation of that instrument, and ever remembering that all offices are but trusts held for the people, and that delegated powers are to be strictly construed, I will hope by due diligence in the performance of my duties, though I may disappoint your expectation, yet to retain, when retiring, something of the good-will and confidence which will welcome my entrance into office.

It is joyous in the midst of perilous times to look around upon a people united in heart, when one purpose of high resolve animates and actuates the whole, where the sacrifices to be made are not weighed in the balance, against honor, right, liberty, and equality. Obstacles may retard, but they cannot long prevent, the progress of a movement sanctioned by its justice and sustained by a virtuous people. Reverently let us invoke the God of our fathers to guide and protect us in our efforts to perpetuate the principles which by His blessing they were able to vindicate, establish, and transmit to their posterity; and with a continuance of His favor, ever gratefully acknowledged, we may hopefully look forward to success, to peace, to prosperity.

ALEXANDER HAMILTON STEPHENS,*

OF GEORGIA.¹

(BORN 1812, DIED 1884.)

THE “ CORNER-STONE ” ADDRESS ; ATHENÆUM,
SAVANNAH, GA., MARCH 21, 1861.²

MR. MAYOR AND GENTLEMEN :

We are in the midst of one of the greatest epochs in our history. The last ninety days will mark one of the most interesting eras in the history of modern civilization. Seven States have in the last three months thrown off an old government and formed a new. This revolution has been signally marked, up to this time, by the fact of its having been accomplished without the loss of a single drop of blood. This new constitution, or form of government, constitutes the subject to which your attention will be partly invited.

In reference to it, I make this first general remark: it amply secures all our ancient rights, franchises, and liberties. All the great princi-

* For notes on Stephens, see Appendix, p. 428.

ples of Magna Charta are retained in it. No citizen is deprived of life, liberty, or property, but by the judgment of his peers under the laws of the land. The great principle of religious liberty, which was the honor and pride of the old Constitution, is still maintained and secured. All the essentials of the old Constitution, which have endeared it to the hearts of the American people, have been preserved and perpetuated. Some changes have been made. Some of these I should prefer not to have seen made; but other important changes do meet my cordial approbation. They form great improvements upon the old Constitution. So, taking the whole new constitution, I have no hesitancy in giving it as my judgment that it is decidedly better than the old.

Allow me briefly to allude to some of these improvements. The question of building up class interests, or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old Constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another.³ All, under

our system, stand upon the same broad principles of perfect equality. Honest labor and enterprise are left free and unrestricted in whatever pursuit they may be engaged. This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new.

Again, the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system.⁴ The power, claimed by construction under the old Constitution, was at least a doubtful one ; it rested solely upon construction. We of the South, generally apart from considerations of constitutional principles, opposed its exercise upon grounds of its inexpediency and injustice. * * *⁵ Our opposition sprang from no hostility to commerce, or to all necessary aids for facilitating it. With us it was simply a question upon whom the burden should fall. In Georgia, for instance, we have done as much for the cause of internal improvements as any other portion of the country, according to population and means. We have stretched out lines of railroad from the seaboard to the mountains ; dug down the hills, and filled up the valleys, at a cost of \$25,000,000. * * *⁶ No State was in greater need

of such facilities than Georgia, but we did not ask that these works should be made by appropriations out of the common treasury. The cost of the grading, the superstructure, and the equipment of our roads was borne by those who had entered into the enterprise. Nay, more, not only the cost of the iron—no small item in the general cost—was borne in the same way, but we were compelled to pay into the common treasury several millions of dollars for the privilege of importing the iron, after the price was paid for it abroad. What justice was there in taking this money, which our people paid into the common treasury on the importation of our iron, and applying it to the improvement of rivers and harbors elsewhere? The true principle is to subject the commerce of every locality to whatever burdens may be necessary to facilitate it. If Charleston harbor needs improvement, let the commerce of Charleston bear the burden. * * * This, again, is the broad principle of perfect equality and justice; and it is especially set forth and established in our new constitution.

Another feature to which I will allude is that the new constitution provides that cabinet ministers and heads of departments may have

the privilege of seats upon the floor of the Senate and House of Representatives, may have the right to participate in the debates and discussions upon the various subjects of administration. I should have preferred that this provision should have gone further, and required the President to select his constitutional advisers from the Senate and House of Representatives. That would have conformed entirely to the practice in the British Parliament, which, in my judgment, is one of the wisest provisions in the British constitution. It is the only feature that saves that government. It is that which gives it stability in its facility to change its administration. Ours, as it is, is a great approximation to the right principle. * * *

Another change in the Constitution relates to the length of the tenure of the Presidential office. In the new constitution it is six years instead of four, and the President is rendered ineligible for a re-election. This is certainly a decidedly conservative change. It will remove from the incumbent all temptation to use his office or exert the powers confided to him for any objects of personal ambition. The only incentive to that higher ambition which should move and actuate one holding such high trusts

in his hands will be the good of the people, the advancement, happiness, safety, honor, and true glory of the Confederacy.

But, not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other—though last, not least. The new constitution has put at rest forever all the agitating questions relating to our peculiar institution, African slavery as it exists amongst us, the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the “rock upon which the old Union would split.” He was right. What was conjecture with him is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with; but the general opinion of the men of that day was that, somehow or other, in

the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at that time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guaranties thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell when "the storm came and the wind blew."

Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man, that slavery—subordination to the superior race—is his natural and normal condition.⁹

This, our new government, is the first in the history of the world based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even amongst us. Many who hear me, perhaps, can recollect well

that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind, from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises. So with the antislavery fanatics; their conclusions are right, if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal rights and privileges with the white man. If their premises were correct, their conclusions would be logical and just; but, their premise being wrong, their whole argument fails. I recollect once hearing a gentleman from one of the Northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled ultimately to yield upon this subject of slavery, that it was as impossible to war successfully against a principle in politics as it was in physics or mechanics; that the principle would ulti-

mately prevail ; that we, in maintaining slavery as it exists with us, were warring against a principle, founded in nature, the principle of the equality of men. The reply I made to him was that upon his own grounds we should ultimately succeed, and that he and his associates in this crusade against our institutions would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as it was in physics and mechanics, I admitted ; but told him that it was he, and those acting with him, who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict, thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted ; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

As I have stated, the truth of this principle may be slow in development, as all truths are and ever have been, in the various branches of science. It was so with the principles an-

nounced by Galileo. It was so with Adam Smith and his principles of political economy. It was so with Harvey and his theory of the circulation of the blood ; it is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests ? It is the first government ever instituted upon the principles in strict conformity to nature and the ordination of Providence in furnishing the materials of human society. Many governments have been founded upon the principle of the subordination and serfdom of certain classes of the same race ; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro ; subordination is his place. He, by nature or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper

material—the granite ; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it ; and by experience we know that it is best not only for the superior race, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of His ordinances, or to question them. For His own purposes He has made one race to differ from another, as He has made “one star to differ from another star in glory.” The great objects of humanity are best attained when there is conformity to His laws and decrees, in the formation of governments as well as in all things else. Our Confederacy is founded upon principles in strict conformity with these views. This stone, which was rejected by the first builders, “is become the chief of the corner,” the real “corner-stone” in our new edifice. * * *¹⁰

Mr. Jefferson said in his inaugural, in 1801, after the heated contest preceding his election, that there might be differences of opinion without differences of principle, and that all, to some extent, had been Federalists, and all Republicans. So it may now be said of us that, whatever differences of opinion as to the best

policy in having a co-operation with our border sister slave States, if the worst came to the worst, as we were all co-operationists, we are all now for independence, whether they come or not. * * *

We are a young republic, just entering upon the arena of nations; we will be the architects of our own fortunes. Our destiny, under Providence, is in our own hands. With wisdom, prudence, and statesmanship on the part of our public men, and intelligence, virtue, and patriotism on the part of the people, success to the full measure of our most sanguine hopes may be looked for. But, if unwise counsels prevail, if we become divided, if schisms arise, if dissensions spring up, if factions are engendered, if party spirit, nourished by unholy personal ambition, shall rear its hydra head, I have no good to prophesy for you. Without intelligence, virtue, integrity, and patriotism on the part of the people, no republic or representative government can be durable or stable.

JOHN C. BRECKENRIDGE,*

OF KENTUCKY,¹

(BORN 1825, DIED 1875),

AND

EDWARD D. BAKER *

OF OREGON,¹

(BORN 1811, DIED 1861).

ON SUPPRESSION OF INSURRECTION, UNITED STATES
SENATE, AUGUST 1, 1861.²

MR. BRECKENRIDGE. I do not know how the Senate may vote upon this question; and I have heard some remarks which have dropped from certain Senators which have struck me with so much surprise, that I desire to say a few words in reply to them now.

This drama, sir, is beginning to open before us, and we begin to catch some idea of its mag-

* For notes on Breckenridge and Baker see Appendix, p. 434.

nitude. Appalled by the extent of it, and embarrassed by what they see before them and around them, the Senators who are themselves the most vehement in urging on this course of events, are beginning to quarrel among themselves as to the precise way in which to regulate it.

The Senator from Vermont objects to this bill because it puts a limitation on what he considers already existing powers on the part of the President. I wish to say a few words presently in regard to some provisions of this bill, and then the Senate and the country may judge of the extent of those powers of which this bill is a limitation.

I endeavored, Mr. President, to demonstrate a short time ago, that the whole tendency of our proceedings was to trample the Constitution under our feet, and to conduct this contest without the slightest regard to its provisions. Everything that has occurred since, demonstrates that the view I took of the conduct and tendency of public affairs was correct. Already both Houses of Congress have passed a bill virtually to confiscate all the property in the States that have withdrawn, declaring in the bill to which I refer that all property of every description employed in any way to promote

or aid in the insurrection, as it is denominated, shall be forfeited and confiscated.³ I need not say to you, sir, that all property of every kind is employed in those States, directly or indirectly, in aid of the contest they are waging, and consequently that bill is a general confiscation of all property there.

As if afraid, however, that this general term might not apply to slave property, it adds an additional section. Although they were covered by the first section of the bill, to make sure of that, however, it adds another section, declaring that all persons held to service or labor; who shall be employed in any way to aid or promote the contest now waging, shall be discharged from such service and become free: Nothing can be more apparent than that that is a general act of emancipation; because all the slaves in that country are employed in furnishing the means of subsistence and life to those who are prosecuting the contest; and it is an indirect, but perfectly certain mode of carrying out the purposes contained in the bill introduced by the Senator from Kansas (Mr. Pomeroy). It is doing under cover and by indirection, but certainly, what he proposes shall be done by direct proclamation of the President.

Again, sir: to show that all these proceedings

are characterized by an utter disregard of the Federal Constitution, what is happening around us every day? In the State of New York, some young man has been imprisoned by executive authority upon no distinct charge, and the military officer having him in charge refused to obey the writ of *habeas corpus* issued by a judge. What is the color of excuse for that action in the State of New York? As a Senator said, is New York in resistance to the Government? Is there any danger to the stability of the Government there? Then, sir, what reason will any Senator rise and give on this floor for the refusal to give to the civil authorities the body of a man taken by a military commander in the State of New York?

Again: the police commissioners of Baltimore were arrested by military authority without any charges whatever. In vain they have asked for a specification. In vain they have sent a respectful protest to the Congress of the United States. In vain the House of Representatives, by resolution, requested the President to furnish the representatives of the people with the grounds of their arrest. He answers the House of Representatives that, in his judgment, the public interest does not permit him to say why

they were arrested, on what charges, or what he has done with them—and you call this liberty and law and proceedings for the preservation of the Constitution! They have been spirited off from one fortress to another, their locality unknown, and the President of the United States refuses, upon the application of the most numerous branch of the national Legislature, to furnish them with the grounds of their arrest, or to inform them what he has done with them.

Sir, it was said the other day by the Senator from Illinois (Mr. Browning) that I had assailed the conduct of the Executive with vehemence, if not with malignity. I am not aware that I have done so. I criticised, with the freedom that belongs to the representative of a sovereign State and the people, the conduct of the Executive. I shall continue to do so as long as I hold a seat upon this floor, when, in my opinion, that conduct deserves criticism. Sir, I need not say that, in the midst of such events as surround us, I could not cherish personal animosity towards any human being. Towards that distinguished officer, I never did cherish it. Upon the contrary, I think more highly of him, as a man and an officer, than I do of many who are around him and who, perhaps guide his

counsels. I deem him to be personally an honest man, and I believe that he is trampling upon the Constitution of his country every day, with probably good motives, under the counsels of those who influence him. But, sir, I have nothing now to say about the President. The proceedings of Congress have eclipsed the actions of the Executive ; and if this bill shall become a law, the proceedings of the President will sink into absolute nothingness in the presence of the outrages upon personal and public liberty which have been perpetrated by the Congress of the United States.

* * * * *

Mr. President, gentlemen talk about the Union as if it was an end instead of a means. They talk about it as if it was the Union of these States which alone had brought into life the principles of public and of personal liberty. Sir, they existed before, and they may survive it. Take care that in pursuing one idea you do not destroy not only the Constitution of your country, but sever what remains of the Federal Union. These eternal and sacred principles of public men and of personal liberty, which lived before the Union and will live forever and ever somewhere, must be respected ;

they cannot with impunity be overthrown ; and if you force the people to the issue between any form of government and these priceless principles, that form of government will perish ; they will tear it asunder as the irrepressible forces of nature rend whatever opposes them.

Mr. President, I shall not long detain the Senate. I shall not enter now upon an elaborate discussion of all the principles involved in this bill, and all the consequences which, in my opinion, flow from it. A word in regard to what fell from the Senator from Vermont, the substance of which has been uttered by a great many Senators on this floor. What I tried to show some time ago has been substantially admitted. One Senator says that the Constitution is put aside in a struggle like this. Another Senator says that the condition of affairs is altogether abnormal, and that you cannot deal with them on constitutional principles, any more than you can deal, by any of the regular operations of the laws of nature, with an earthquake. The Senator from Vermont says that all these proceedings are to be conducted according to the laws of war ; and he adds that the laws of war require many things to be done which are absolutely for-

bidden in the Constitution ; which Congress is prohibited from doing, and all other departments of the Government are forbidden from doing by the Constitution ; but that they are proper under the laws of war, which must alone be the measure of our action now. I desire the country, then, to know this fact ; that it is openly avowed upon this floor that constitutional limitations are no longer to be regarded ; but that you are acting just as if there were two nations upon this continent, one arrayed against the other ; some eighteen or twenty million on one side, and some ten or twelve million on the other, as to whom the Constitution is nought, and the laws of war alone apply.

Sir, let the people, already beginning to pause and reflect upon the origin and nature and the probable consequences of this unhappy strife, get this idea fairly lodged in their minds—and it is a true one—and I will venture to say that the brave words which we now hear every day about crushing, subjugating, treason, and traitors, will not be so uttered the next time the Representatives of the people and States assemble beneath the dome of this Capitol.

* * * * *

Mr. President, we are on the wrong tack; we have been from the beginning. The people begin to see it. Here we have been hurling gallant fellows on to death, and the blood of Americans has been shed—for what? They have shown their prowess, respectively—that which belongs to the race—and shown it like men. But for what have the United States soldiers, according to the exposition we have heard here to-day, been shedding their blood, and displaying their dauntless courage? It has been to carry out principles that three fourths of them abhor; for the principles contained in this bill, and continually avowed on the floor of the Senate, are not shared, I venture to say, by one fourth of the army.

I have said, sir, that we are on the wrong tack. Nothing but ruin, utter ruin, to the North, to the South, to the East, to the West, will follow the prosecution of this contest. You may look forward to countless treasures all spent for the purpose of desolating and ravaging this continent; at the end leaving us just where we are now; or if the forces of the United States are successful in ravaging the whole South, what on earth will be done with

it after that is accomplished? Are not gentlemen now perfectly satisfied that they have mistaken a people for a faction? Are they not perfectly satisfied that, to accomplish their object, it is necessary to subjugate, to conquer—aye, to exterminate—nearly ten millions of people? Do you not know it? Does not everybody know it? Does not the world know it? Let us pause, and let the Congress of the United States respond to the rising feeling all over this land in favor of peace. War is separation; in the language of an eminent gentleman now no more, it is disunion, eternal and final disunion. We have separation now; it is only made worse by war, and an utter extinction of all those sentiments of common interest and feeling which might lead to a political reunion founded upon consent and upon a conviction of its advantages. Let the war go on, however, and soon, in addition to the moans of widows and orphans all over this land, you will hear the cry of distress from those who want food and the comforts of life. The people will be unable to pay the grinding taxes which a fanatical spirit will attempt to impose upon them. Nay, more, sir; you will see further separation. I hope it is not “the sunset of

life gives me mystical lore," but in my mind's eye I plainly see "coming events cast their shadows before." The Pacific slope now, doubtless, is devoted to the union of States. Let this war go on till they find the burdens of taxation greater than the burdens of a separate condition, and they will assert it. Let the war go on until they see the beautiful features of the old Confederacy beaten out of shape and comeliness by the brutalizing hand of war, and they will turn aside in disgust from the sickening spectacle, and become a separate nation. Fight twelve months longer, and the already opening differences that you see between New England and the great Northwest will develop themselves. You have two confederacies now. Fight twelve months, and you will have three; twelve months longer, and you will have four.

I will not enlarge upon it, sir. I am quite aware that all I say is received with a sneer of incredulity by the gentlemen who represent the far Northeast; but let the future determine who was right and who was wrong. We are making our record here; I, my humble one, amid the sneers and aversion of nearly all who surround me, giving my votes, and uttering my utterances according to my convictions,

with but few approving voices, and surrounded by scowls. The time will soon come, Senators, when history will put her final seal upon these proceedings, and if my name shall be recorded there, going along with yours as an actor in these scenes, I am willing to abide, fearlessly, her final judgment.

Mr. Baker. Mr. President, it has not been my fortune to participate in at any length, indeed, not to hear very much of, the discussion which has been going on—more, I think, in the hands of the Senator from Kentucky than anybody else—upon all the propositions connected with this war; and, as I really feel as sincerely as he can an earnest desire to preserve the Constitution of the United States for everybody, South as well as North, I have listened for some little time past to what he has said with an earnest desire to apprehend the point of his objection to this particular bill. And now—waiving what I think is the elegant but loose declamation in which he chooses to indulge—I would propose, with my habitual respect for him, (for nobody is more courteous and more gentlemanly,) to ask him if he will be kind enough to tell me what single particular provision there is in this bill which is in violation

of the Constitution of the United States, which I have sworn to support—one distinct, single proposition in the bill.

Mr. Breckenridge. I will state, in general terms, that every one of them is, in my opinion, flagrantly so, unless it may be the last. I will send the Senator the bill, and he may comment on the sections.

Mr. Baker. Pick out that one which is in your judgment most clearly so.

Mr. Breckenridge. They are all, in my opinion, so equally atrocious that I dislike to discriminate. I will send the Senator the bill, and I tell him that every section, except the last, in my opinion, violates the Constitution of the United States; and of that last section, I express no opinion.

Mr. Baker. I had hoped that that respectful suggestion to the Senator would enable him to point out to me one, in his judgment, most clearly so, for they are not all alike—they are not equally atrocious.

Mr. Breckenridge. Very nearly. There are ten of them. The Senator can select which he pleases.

Mr. Baker. Let me try then, if I must generalize as the Senator does, to see if I can

get the scope and meaning of this bill. It is a bill providing that the President of the United States may declare, by proclamation, in a certain given state of fact, certain territory within the United States to be in a condition of insurrection and war; which proclamation shall be extensively published within the district to which it relates. That is the first proposition. I ask him if that is unconstitutional? That is a plain question. Is it unconstitutional to give power to the President to declare a portion of the territory of the United States in a state of insurrection or rebellion? He will not dare to say it is.

Mr. Breckenridge. Mr. President, the Senator from Oregon is a very adroit debater, and he discovers, of course, the great advantage he would have if I were to allow him, occupying the floor, to ask me a series of questions, and then have his own criticisms made on them. When he has closed his speech, if I deem it necessary, I will make some reply. At present, however, I will answer that question. The State of Illinois, I believe, is a military district; the State of Kentucky is a military district. In my judgment, the President has no authority, and, in my judgment, Congress has no right to con-

fer upon the President authority, to declare a State in a condition of insurrection or rebellion.

Mr. Baker. In the first place, the bill does not say a word about States. That is the first answer.

Mr. Breckenridge. Does not the Senator know, in fact, that those States compose military districts? It might as well have said "States" as to describe what is a State.

Mr. Baker. I do; and that is the reason why I suggest to the honorable Senator that this criticism about States does not mean anything at all. That is the very point. The objection certainly ought not to be that he can declare a part of a State in insurrection and not the whole of it. In point of fact, the Constitution of the United States, and the Congress of the United States acting upon it, are not treating of States, but of the territory comprising the United States; and I submit once more to his better judgment that it cannot be unconstitutional to allow the President to declare a county or a part of a county, or a town or a part of a town, or part of a State, or the whole of a State, or two States, or five States, in a condition of insurrection, if in his judgment that be the fact. That is not wrong.

In the next place, it provides that that being so, the military commander in that district may make and publish such police rules and regulations as he may deem necessary to suppress the rebellion and restore order and preserve the lives and property of citizens. I submit to him, if the President of the United States has power, or ought to have power, to suppress insurrection and rebellion, is there any better way to do it, or is there any other? The gentleman says, do it by the civil power. Look at the fact. The civil power is utterly overwhelmed; the courts are closed; the judges banished. Is the President not to execute the law? Is he to do it in person, or by his military commanders? Are they to do it with regulation, or without it? That is the only question.

Mr. President, the honorable Senator says there is a state of war. The Senator from Vermont agrees with him; or rather, he agrees with the Senator from Vermont in that. What then? There is a state of public war; none the less war because it is urged from the other side; not the less war because it is unjust; not the less war because it is a war of insurrection and rebellion. It is still war; and I am willing to

say it is public war,—public as contra-distinguished from private war. What then? Shall we carry that war on? Is it his duty as a Senator to carry it on? If so, how? By armies under command; by military organization and authority, advancing to suppress insurrection and rebellion. Is that wrong? Is that unconstitutional? Are we not bound to do, with whomever levies war against us, as we would do if he were a foreigner? There is no distinction as to the mode of carrying on war; we carry on war against an advancing army just the same, whether it be from Russia or from South Carolina. Will the honorable Senator tell me it is our duty to stay here, within fifteen miles of the enemy seeking to advance upon us every hour, and talk about nice questions of constitutional construction as to whether it is war or merely insurrection? No, sir. It is our duty to advance, if we can; to suppress insurrection; to put down rebellion; to dissipate the rising; to scatter the enemy; and when we have done so, to preserve, in the terms of the bill, the liberty, lives, and property of the people of the country, by just and fair police regulations. I ask the Senator from Indiana, (Mr. Lane,) when we took Monterey, did we not do it there?

When we took Mexico, did we not do it there? Is it not a part, a necessary, an indispensable part of war itself, that there shall be military regulations over the country conquered and held? Is that unconstitutional?

I think it was a mere play of words that the Senator indulged in when he attempted to answer the Senator from New York. I did not understand the Senator from New York to mean anything else substantially but this, that the Constitution deals generally with a state of peace, and that when war is declared it leaves the condition of public affairs to be determined by the law of war, in the country where the war exists. It is true that the Constitution of the United States does adopt the laws of war as a part of the instrument itself, during the continuance of war. The Constitution does not provide that spies shall be hung. Is it unconstitutional to hang a spy? There is no provision for it in terms in the Constitution; but nobody denies the right, the power, the justice. Why? Because it is part of the law of war. The Constitution does not provide for the exchange of prisoners; yet it may be done under the law of war. Indeed the Constitution does not provide that a prisoner may be taken at all; yet

his captivity is perfectly just and constitutional. It seems to me that the Senator does not, will not take that view of the subject.

Again, sir, when a military commander advances, as I trust, if there are no more unexpected great reverses, he will advance, through Virginia and occupies the country, there, perhaps, as here, the civil law may be silent ; there perhaps the civil officers may flee as ours have been compelled to flee. What then? If the civil law is silent, who shall control and regulate the conquered district, who but the military commander? As the Senator from Illinois has well said, shall it be done by regulation or without regulation? Shall the general, or the colonel, or the captain, be supreme, or shall he be regulated and ordered by the President of the United States? That is the sole question. The Senator has put it well.

I agree that we ought to do all we can to limit, to restrain, to fetter the abuse of military power. Bayonets are at best illogical arguments. I am not willing, except as a case of sheerest necessity, ever to permit a military commander to exercise authority over life, liberty, and property. But, sir, it is part of the law of war; you cannot carry in the rear of your army your

courts; you cannot organize juries; you cannot have trials according to the forms and ceremonial of the common law amid the clangor of arms, and somebody must enforce police regulations in a conquered or occupied district. I ask the Senator from Kentucky again respectfully, is that unconstitutional; or if in the nature of war it must exist, even if there be no law passed by us to allow it, is it unconstitutional to regulate it? That is the question, to which I do not think he will make a clear and distinct reply.

Now, sir, I have shown him two sections of the bill, which I do not think he will repeat earnestly are unconstitutional. I do not think that he will seriously deny that it is perfectly constitutional to limit, to regulate, to control, at the same time to confer and restrain authority in the hands of military commanders. I think it is wise and judicious to regulate it by virtue of powers to be placed in the hands of the President by law.

Now, a few words, and a few only, as to the Senator's predictions. The Senator from Kentucky stands up here in a manly way in opposition to what he sees is the overwhelming sentiment of the Senate, and utters reproof,

malediction, and prediction combined. Well, sir, it is not every prediction that is prophecy. It is the easiest thing in the world to do ; there is nothing easier, except to be mistaken when we have predicted. I confess, Mr. President, that I would not have predicted three weeks ago the disasters which have overtaken our arms ; and I do not think (if I were to predict now) that six months hence the Senator will indulge in the same tone of prediction which is his favorite key now. I would ask him what would you have us do now—a confederate army within twenty miles of us, advancing, or threatening to advance, to overwhelm your Government ; to shake the pillars of the Union ; to bring it around your head, if you stay here, in ruins ? Are we to stop and talk about an uprising sentiment in the North against the war ? Are we to predict evil, and retire from what we predict ? Is it not the manly part to go on as we have begun, to raise money, and levy armies, to organize them, to prepare to advance ; when we do advance, to regulate that advance by all the laws and regulations that civilization and humanity will allow in time of battle ? Can we do anything more ? To talk to us about stopping, is idle ; we will never stop. Will the

Senator yield to rebellion? Will he shrink from armed insurrection? Will his State justify it? Will its better public opinion allow it? Shall we send a flag of truce? What would he have? Or would he conduct this war so feebly, that the whole world would smile at us in derision? What would he have? These speeches of his, sown broadcast over the land, what clear distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to destroy our zeal? Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very Capitol of the Confederacy? (Manifestations of applause in the galleries.)

The Presiding Officer (Mr. Anthony in the chair). Order!

Mr. Baker. What would have been thought if, in another Capitol, in another Republic, in a yet more martial age, a senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded by all the illustrations of Roman glory, and declared that advancing

Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought if, after the battle of Cannæ, a senator there had risen in his place and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to the old recollections and the old glories? Sir, a Senator, himself learned far more than myself in such lore (Mr. Fessenden), tells me, in a voice that I am glad is audible, that he would have been hurled from the Tarpeian rock. It is a grand commentary upon the American Constitution that we permit these words to be uttered. I ask the Senator to recollect, too, what, save to send aid and comfort to the enemy, do these predictions of his amount to? Every word thus uttered falls as a note of inspiration upon every confederate ear. Every sound thus uttered is a word (and falling from his lips, a mighty word) of kindling and triumph to a foe that determines to advance. For me, I have no such word as a Senator to utter. For me, amid temporary defeat, disaster, disgrace, it seems that my duty calls me to utter another word, and that word is, bold, sudden, forward, determined war, according to the laws of war, by armies, by mili-

tary commanders clothed with full power, advancing with all the past glories of the Republic urging them to conquest.

I do not stop to consider whether it is subjugation or not. It is compulsory obedience, not to my will; not to yours, sir; not to the will of any one man; not to the will of any one State; but compulsory obedience to the Constitution of the whole country. The Senator chose the other day again and again to animadvert on a single expression in a little speech which I delivered before the Senate, in which I took occasion to say that if the people of the rebellious States would not govern themselves as States, they ought to be governed as Territories. The Senator knew full well then, for I explained it twice—he knows full well now—that on this side of the Chamber; nay, in this whole Chamber; nay, in this whole North and West; nay, in all the loyal States in all their breadth, there is not a man among us all who dreams of causing any man in the South to submit to any rule, either as to life, liberty, or property, that we ourselves do not willingly agree to yield to. Did he ever think of that? Subjugation for what? When we subjugate South Carolina, what shall we do? We shall

compel its obedience to the Constitution of the United States ; that is all. Why play upon words ? We do not mean, we have never said, any more. If it be slavery that men should obey the Constitution their fathers fought for, let it be so. If it be freedom, it is freedom equally for them and for us. We propose to subjugate rebellion into loyalty ; we propose to subjugate insurrection into peace ; we propose to subjugate confederate anarchy into constitutional Union liberty. The Senator well knows that we propose no more. I ask him, I appeal to his better judgment now, what does he imagine we intend to do, if fortunately we conquer Tennessee or South Carolina—call it “conquer,” if you will, sir—what do we propose to do ? They will have their courts still ; they will have their ballot-boxes still ; they will have their elections still ; they will have their representatives upon this floor still ; they will have taxation and representation still ; they will have the writ of *habeas corpus* still ; they will have every privilege they ever had and all we desire. When the confederate armies are scattered ; when their leaders are banished from power ; when the people return to a late repentant sense of the wrong they have done to

a Government they never felt but in benignancy and blessing, then the Constitution made for all will be felt by all, like the descending rains from heaven which bless all alike. Is that subjugation? To restore what was, as it was, for the benefit of the whole country and of the whole human race, is all we desire and all we can have.

* * * * *

I tell the Senator that his predictions, sometimes for the South, sometimes for the Middle States, sometimes for the Northeast, and then wandering away in airy visions out to the far Pacific, about the dread of our people, as for loss of blood and treasure, provoking them to disloyalty, are false in sentiment, false in fact, and false in loyalty. The Senator from Kentucky is mistaken in them all. Five hundred million dollars! What then? Great Britain gave more than two thousand million in the great battle for constitutional liberty which she led at one time almost single-handed against the world. Five hundred thousand men! What then? We have them; they are ours; they are the children of the country. They belong to the whole country; they are our sons; our kinsmen; and there are many of us

who will give them all up before we will abate one word of our just demand, or will retreat one inch from the line which divides right from wrong.

Sir, it is not a question of men or of money in that sense. All the money, all the men, are, in our judgment, well bestowed in such a cause. When we give them, we know their value. Knowing their value well, we give them with the more pride and the more joy. Sir, how can we retreat? Sir, how can we make peace? Who shall treat? What commissioners? Who would go? Upon what terms? Where is to be your boundary line? Where the end of the principles we shall have to give up? What will become of constitutional government? What will become of public liberty? What of past glories? What of future hopes? Shall we sink into the insignificance of the grave—a degraded, defeated, emasculated people, frightened by the results of one battle, and scared at the visions raised by the imagination of the Senator from Kentucky upon this floor? No, sir; a thousand times, no, sir! We will rally—if, indeed, our words be necessary—we will rally the people, the loyal people, of the whole country. They will pour forth their

treasure, their money, their men, without stint, without measure. The most peaceable man in this body may stamp his foot upon this Senate-Chamber floor, as of old a warrior and a senator did, and from that single stamp there will spring forth armed legions. Shall one battle determine the fate of an empire? or, the loss of one thousand men or twenty thousand, or \$100,000,000 or \$500,000,000? In a year's peace, in ten years, at most, of peaceful progress, we can restore them all. There will be some graves reeking with blood, watered by the tears of affection. There will be some privation; there will be some loss of luxury; there will be somewhat more need for labor to procure the necessities of life. When that is said, all is said. If we have the country, the whole country, the Union, the Constitution, free government—with these there will return all the blessings of well-ordered civilization; the path of the country will be a career of greatness and of glory such as, in the olden time, our fathers saw in the dim visions of years yet to come, and such as would have been ours now, to-day, if it had not been for the treason for which the Senator too often seeks to apologize.

Mr. Breckenridge. Mr. President, I have tried on more than one occasion in the Senate, in parliamentary and respectful language, to express my opinions in regard to the character of our Federal system, the relations of the States to the Federal Government, to the Constitution, the bond of the Federal political system. They differ utterly from those entertained by the Senator from Oregon. Evidently, by his line of argument, he regards this as an original, not a delegated Government, and he regards it as clothed with all those powers which belong to an original nation, not only with those powers which are delegated by the different political communities that compose it, and limited by the written Constitution that forms the bond of Union. I have tried to show that, in the view that I take of our Government, this war is an unconstitutional war. I do not think the Senator from Oregon has answered my argument. He asks, what must we do? As we progress southward and invade the country, must we not, said he, carry with us all the laws of war? I would not progress southward and invade the country.

The President of the United States, as I again repeat, in my judgment only has the

power to call out the military to assist the civil authority in executing the laws; and when the question assumes the magnitude and takes the form of a great political severance, and nearly half the members of the Confederacy withdraw themselves from it, what then? I have never held that one State or a number of States have a right without cause to break the compact of the Constitution. But what I mean to say is that you cannot then undertake to make war in the name of the Constitution. In my opinion they are out. You may conquer them; but do not attempt to do it under what I consider false political pretenses. However, sir, I will not enlarge upon that. I have developed these ideas again and again, and I do not care to re-argue them. Hence the Senator and I start from entirely different stand-points, and his pretended replies are no replies at all.

The Senator asks me, "What would you have us do?" I have already intimated what I would have us do. I would have us stop the war. We can do it. I have tried to show that there is none of that inexorable necessity to continue this war which the Senator seems to suppose. I do not hold that constitutional liberty on this continent is bound up in this

fratricidal, devastating, horrible contest. Upon the contrary, I fear it will find its grave in it. The Senator is mistaken in supposing that we can reunite these States by war. He is mistaken in supposing that eighteen or twenty million upon the one side can subjugate ten or twelve million upon the other; or, if they do subjugate them, that you can restore constitutional government as our fathers made it. You will have to govern them as Territories, as suggested by the Senator, if ever they are reduced to the dominion of the United States, or, as the Senator from Vermont called them, "those rebellious provinces of this Union," in his speech to-day. Sir, I would prefer to see these States all reunited upon true constitutional principles to any other object that could be offered me in life; and to restore, upon the principles of our fathers, the Union of these States, to me the sacrifice of one unimportant life would be nothing; nothing, sir. But I infinitely prefer to see a peaceful separation of these States, than to see endless, aimless, devastating war, at the end of which I see the grave of public liberty and of personal freedom.'

CLEMENT L. VALLANDIGHAM,*

OF OHIO.¹

(BORN 1820, DIED 1871.)

ON THE WAR AND ITS CONDUCT ; HOUSE OF REPRESENTATIVES, JANUARY 14, 1863.²

SIR, I am one of that number who have opposed abolitionism, or the political development of the antislavery sentiment of the North and West, from the beginning. In school, at college, at the bar, in public assemblies, in the Legislature, in Congress, boy and man, in time of peace and in time of war, at all times and at every sacrifice, I have fought against it. It cost me ten years' exclusion from office and honor at that period of life when honors are sweetest. No matter ; I learned early to do right and to wait. Sir, it is but the development of the spirit of intermeddling, whose children are strife and murder. Cain troubled himself about the sacrifices of Abel, and slew his brother. Most of the wars, contentions,

* For notes on Vallandigham, see Appendix, p. 440.

litigation, and bloodshed, from the beginning of time, have been its fruits. The spirit of non-intervention is the very spirit of peace and concord. * * *

The spirit of intervention assumed the form of abolitionism because slavery was odious in name and by association to the Northern mind, and because it was that which most obviously marks the different civilizations of the two sections. The South herself, in her early and later efforts to rid herself of it, had exposed the weak and offensive parts of slavery to the world. Abolition intermeddling taught her at last to search for and defend the assumed social, economic, and political merit and values of the institution. But there never was an hour from the beginning when it did not seem to me as clear as the sun at broad noon that the agitation in any form in the North and West of the slavery question must sooner or later end in disunion and civil war. This was the opinion and prediction for years of Whig and Democratic statesmen alike ; and, after the unfortunate dissolution of the Whig party in 1854, and the organization of the present Republican party upon the exclusive antislavery and sectional basis, the event was inevitable,

because, in the then existing temper of the public mind, and after the education through the press and the pulpit, the lecture and the political canvass, for twenty years, of a generation taught to hate slavery and the South, the success of that party, possessed as it was of every engine of political, business, social, and religious influence, was certain. It was only a question of time, and short time. Such was its strength, indeed, that I do not believe that the union of the Democratic party in 1860 on any candidate, even though he had been supported also by the entire so-called conservative or anti-Lincoln vote of the country, would have availed to defeat it; and, if it had, the success of the Abolition party would only have been postponed four years longer. The disease had fastened too strongly upon the system to be healed until it had run its course. The doctrine of "the irrepressible conflict" had been taught too long, and accepted too widely and earnestly, to die out until it should culminate in secession and disunion, and, if coercion were resorted to, then in civil war. I believed from the first that it was the purpose of some of the apostles of that doctrine to force a collision between the North and the South, either to bring about a

separation or to find a vain but bloody pretext for abolishing slavery in the States. In any event, I knew, or thought I knew, that the end was certain collision and death to the Union.

Believing thus, I have for years past denounced those who taught that doctrine, with all the vehemence, the bitterness, if you choose—I thought it a righteous, a patriotic bitterness—of an earnest and impassioned nature. * * *⁴ But the people did not believe me, nor those older and wiser and greater than I. They rejected the prophecy, and stoned the prophets. The candidate of the Republican party was chosen President. Secession began. Civil war was imminent. It was no petty insurrection, no temporary combination to obstruct the execution of the laws in certain States, but a revolution, systematic, deliberate, determined, and with the consent of a majority of the people of each State which seceded. Causeless it may have been, wicked it may have been, but there it was—not to be railed at, still less to be laughed at, but to be dealt with by statesmen as a fact. No display of vigor or force alone, however sudden or great, could have arrested it even at the outset. It was disunion at last. The wolf had come, but civil war had not yet

followed. In my deliberate and solemn judgment there was but one wise and masterly mode of dealing with it. Non-coercion would avert civil war, and compromise crush out both abolitionism and secession. The parent and the child would thus both perish. But a resort to force would at once precipitate war, hasten secession, extend disunion, and while it lasted utterly cut off all hope of compromise. I believed that war, if long enough continued, would be final, eternal disunion. I said it; I meant it; and accordingly, to the utmost of my ability and influence, I exerted myself in behalf of the policy of non-coercion. It was adopted by Mr. Buchanan's administration, with the almost unanimous consent of the Democratic and Constitutional Union parties in and out of Congress; and in February, with the consent of a majority of the Republican party in the Senate and the House. But that party most disastrously for the country refused all compromise. How, indeed, could they accept any? That which the South demanded, and the Democratic and Conservative parties of the North and West were willing to grant, and which alone could avail to keep the peace and save the Union, implied a surrender of the sole

vital element of the party and its platform, of the very principle, in fact, upon which it had just won the contest for the Presidency, not, indeed, by a majority of the popular vote—the majority was nearly a million against it,—but under the forms of the Constitution. Sir, the crime, the “high crime,” of the Republican party was not so much its refusal to compromise, as its original organization upon a basis and doctrine wholly inconsistent with the stability of the Constitution and the peace of the Union.

The President-elect was inaugurated ; and now, if only the policy of non-coercion could be maintained, and war thus averted, time would do its work in the North and the South, and final peaceable adjustment and reunion be secured. Some time in March it was announced that the President had resolved to continue the policy of his predecessor, and even go a step farther, and evacuate Sumter and the other Federal forts and arsenals in the seceded States. His own party acquiesced ; the whole country rejoiced. The policy of non-coercion had triumphed, and for once, sir, in my life, I found myself in an immense majority. No man then pretended that a Union founded in

consent could be cemented by force. Nay, more, the President and the Secretary of State went farther. Said Mr. Seward, in an official-diplomatic letter to Mr. Adams: "For these reasons, he (the President) would not be disposed to reject a cardinal dogma of theirs (the secessionists), namely, that the Federal Government could not reduce the seceding States to obedience by conquest, although he were disposed to question that proposition. But in fact the President willingly accepts it as true. Only an imperial or despotic government could subjugate thoroughly disaffected and insurrectionary members of the State. * * *⁵ This Federal republican system of ours is, of all forms of government, the very one which is most unfitted for such a labor." This, sir, was on the 10th of April, and yet on that very day the fleet was under sail for Charleston. The policy of peace had been abandoned. Collision followed; the militia were ordered out; civil war began.

Now, sir, on the 14th of April, I believed that coercion would bring on war, and war disunion. More than that, I believed what you all believe in your hearts to-day, that the South could never be conquered—never. And not

that only, but I was satisfied—and you of the Abolition party have now proved it to the world—that the secret but real purpose of the war was to abolish slavery in the State. * * *⁶ These were my convictions on the 14th of April. Had I changed them on the 15th, when I read the President's proclamation, * * * I would have changed my public conduct also. But my convictions did not change. I thought that, if war was disunion on the 14th of April, it was equally disunion on the 15th, and at all times. Believing this, I could not, as an honest man, a Union man, and a patriot, lend an active support to the war; and I did not. I had rather my right arm were plucked from its socket and cast into eternal burnings, than, with my convictions, to have thus defiled my soul with the guilt of moral perjury. Sir, I was not taught in that school which proclaims that "all is fair in politics." I loathe, abhor, and detest the execrable maxim. * * *⁷ Perish office, perish honors, perish life itself; but do the thing that is right, and do it like a man.

Certainly, sir; I could not doubt what he must suffer who dare defy the opinions and the passions, not to say the madness, of twenty

millions of people. * * *⁸ I did not support the war; and to-day I bless God that not the smell of so much as one drop of its blood is upon my garments. Sir, I censure no brave man who rushed patriotically into this war; neither will I quarrel with any one, here or elsewhere, who gave to it an honest support. Had their convictions been mine, I, too, would doubtless have done as they did. With my convictions I could not. But I was a Representative. War existed—by whose act no matter—not by mine. The President, the Senate, the House, and the country all said that there should be war. * * *⁹ I belonged to that school of politics which teaches that, when we are at war, the government—I do not mean the Executive alone, but the government—is entitled to demand and have, without resistance, such number of men, and such amount of money and supplies generally, as may be necessary for the war, until an appeal can be had to the people. Before that tribunal alone, in the first instance, must the question of the continuance of the war be tried. This was Mr. Calhoun's opinion * * *¹⁰ in the Mexican war. Speaking of that war in 1847, he said: "Every Senator knows that I was opposed to the war; but none but myself knows

the depth of that opposition. With my conception of its character and consequences, it was impossible for me to vote for it. * * * But, after war was declared, by authority of the government, I acquiesced in what I could not prevent, and what it was impossible for me to arrest ; and I then felt it to be my duty to limit my efforts to give such direction to the war as would, as far as possible, prevent the evils and dangers with which it threatened the country and its institutions."

Sir, I adopt all this as my position and my defence, though, perhaps, in a civil war, I might fairly go farther in opposition. I could not, with my convictions, vote men and money for this war, and I would not, as a Representative, vote against them. I meant that, without opposition, the President might take all the men and all the money he should demand, and then to hold him to a strict responsibility before the people for the results. Not believing the soldiers responsible for the war or its purposes or its consequences, I have never withheld my vote where their separate interests were concerned. But I have denounced from the beginning the usurpations and the infractions, one and all, of law and constitution, by the President and

those under him ; their repeated and persistent arbitrary arrests, the suspension of *habeas corpus*, the violation of freedom of the mails, of the private house, of the press, and of speech, and all the other multiplied wrongs and outrages upon public liberty and private right, which have made this country one of the worst despotisms on earth for the past twenty months, and I will continue to rebuke and denounce them to the end ; and the people, thank God, have at last heard and heeded, and rebuked them too. To the record and to time I appeal again for my justification."

HENRY WARD BEECHER,*

OF NEW YORK.¹

(BORN 1813, DIED 1887.)

ADDRESS AT LIVERPOOL, OCTOBER 16, 1863.²

FOR more than twenty-five years I have been made perfectly familiar with popular assemblies in all parts of my country except the extreme South. There has not for the whole of that time been a single day of my life when it would have been safe for me to go South of Mason's and Dixon's line in my own country, and all for one reason: my solemn, earnest, persistent testimony against that which I consider to be the most atrocious thing under the sun—the system of American slavery in a great free republic. [Cheers.] I have passed through that early period when right of free speech was denied to me. Again and again I have attempted to address audiences that, for no other crime than that of free speech, visited me with all manner of contumelious epithets; and now since I have

* For notes on Beecher, see Appendix, p. 443.

been in England, although I have met with greater kindness and courtesy on the part of most than I deserved, yet, on the other hand, I perceive that the Southern influence prevails to some extent in England. [Applause and uproar.] It is my old acquaintance; I understand it perfectly—[laughter]—and I have always held it to be an unfailing truth that where a man had a cause that would bear examination he was perfectly willing to have it spoken about. [Applause.] And when in Manchester I saw those huge placards: “Who is Henry Ward Beecher?”—[laughter, cries of “Quite right,” and applause.]—and when in Liverpool I was told that there were those blood-red placards, purporting to say what Henry Ward Beecher had said, and calling upon Englishmen to suppress free speech—I tell you what I thought. I thought simply this: “I am glad of it.” [Laughter.] Why? Because if they had felt perfectly secure, that *you* are the minions of the South and the slaves of slavery, they would have been perfectly still. [Applause and uproar.] And, therefore, when I saw so much nervous apprehension that, if I were permitted to speak—[hisses and applause]—when I found they were afraid to have me speak—

[hisses, laughter, and "No, no!"]—when I found that they considered my speaking damaging to their cause—[applause]—when I found that they appealed from facts and reasonings to mob law—[applause and uproar]—I said, no man need tell me what the heart and secret counsel of these men are. They tremble and are afraid. [Applause, laughter, hisses, "No, no!" and a voice: "New York mob."] Now, personally, it is a matter of very little consequence to me whether I speak here to-night or not. [Laughter and cheers.] But, one thing is very certain, if you do permit me to speak here to-night you will hear very plain talking. [Applause and hisses.] You will not find a man—[interruption]—you will not find me to be a man that dared to speak about Great Britain 3,000 miles off, and then is afraid to speak to Great Britain when he stands on her shores. [Immense applause and hisses.] And if I do not mistake the tone and temper of Englishmen, they had rather have a man who opposes them in a manly way—[applause from all parts of the hall]—than a sneak that agrees with them in an unmanly way. [Applause and "Bravo!"] Now, if I can carry you with me by sound convictions, I shall be immensely glad

—[applause]; but if I cannot carry you with me by facts and sound arguments, I do not wish you to go with me at all; and all that I ask is simply FAIR PLAY. [Applause, and a voice: "You shall have it too."]

Those of you who are kind enough to wish to favor my speaking—and you will observe that my voice is slightly husky, from having spoken almost every night in succession for some time past,—those who wish to hear me will do me the kindness simply to sit still, and to keep still; and I and my friends the Secessionists will make all the noise. [Laughter.]

There are two dominant races in modern history—the Germanic and the Romanic races. The Germanic races tend to personal liberty, to a sturdy individualism, to civil and to political liberty. The Romanic race tends to absolutism in government; it is clannish; it loves chieftains; it develops a people that crave strong and showy governments to support and plan for them. The Anglo-Saxon race belongs to the great German family, and is a fair exponent of its peculiarities. The Anglo-Saxon carries self-government and self-development with him wherever he goes. He has popular GOVERNMENT and popular INDUSTRY; for the

effects of a generous civil liberty are not seen a whit more plain in the good order, in the intelligence, and in the virtue of a self-governing people, than in their amazing enterprise and the scope and power of their creative industry. The power to create riches is just as much a part of the Anglo-Saxon virtues as the power to create good order and social safety. The things required for prosperous labor, prosperous manufactures, and prosperous commerce are three. First, liberty; second, liberty; third, liberty. [Hear, hear!] Though these are not merely the same liberty, as I shall show you. First, there must be liberty to follow those laws of business which experience has developed, without imposts or restrictions or governmental intrusions. Business simply wants to be let alone. [Hear, hear!] Then, secondly, there must be liberty to distribute and exchange products of industry in any market without burdensome tariffs, without imposts, and without vexatious regulations. There must be these two liberties—liberty to create wealth, as the makers of it think best, according to the light and experience which business has given them; and then liberty to distribute what they have created without unnecessary vexatious burdens.

The comprehensive law of the ideal industrial condition of the world is free manufacture and free trade. [Hear, hear! A voice: "The Morrill tariff." Another voice: "Monroe."] I have said there were three elements of liberty. The third is the necessity of an intelligent and free race of customers. There must be freedom among producers; there must be freedom among the distributors; there must be freedom among the customers. It may not have occurred to you that it makes any difference what one's customers are, but it does in all regular and prolonged business. The condition of the customer determines how much he will buy, determines of what sort he will buy. Poor and ignorant people buy little and that of the poorest kind. The richest and the intelligent, having the more means to buy, buy the most, and always buy the best. Here, then, are the three liberties: liberty of the producer, liberty of the distributor, and liberty of the consumer. The first two need no discussion; they have been long thoroughly and brilliantly illustrated by the political economists of Great Britain and by her eminent statesmen; but it seems to me that enough attention has not been directed to the third; and, with your patience, I will

dwell upon that for a moment, before proceeding to other topics.

It is a necessity of every manufacturing and commercial people that their customers should be very wealthy and intelligent. Let us put the subject before you in the familiar light of your own local experience. To whom do the tradesmen of Liverpool sell the most goods at the highest profit? To the ignorant and poor, or to the educated and prosperous? [A voice: "To the Southerners." Laughter.] The poor man buys simply for his body; he buys food, he buys clothing, he buys fuel, he buys lodging. His rule is to buy the least and the cheapest that he can. He goes to the store as seldom as he can; he brings away as little as he can; and he buys for the least he can. [Much laughter.] Poverty is not a misfortune to the poor only who suffer it, but it is more or less a misfortune to all with whom he deals. On the other hand, a man well off—how is it with him? He buys in far greater quantity. He can afford to do it; he has the money to pay for it. He buys in far greater variety, because he seeks to gratify not merely physical wants, but also mental wants. He buys for the satisfaction of sentiment and taste, as well as of

sense. He buys silk, wool, flax, cotton; he buys all metals—iron, silver, gold, platinum; in short he buys for all necessities and all substances. But that is not all. He buys a better quality of goods. He buys richer silks, finer cottons, higher grained wools. Now a rich silk means so much skill and care of somebody's that has been expended upon it to make it finer and richer; and so of cotton and so of wool. That is, the price of the finer goods runs back to the very beginning, and remunerates the workman as well as the merchant. Now, the whole laboring community is as much interested and profited as the mere merchant, in this buying and selling of the higher grades in the greater varieties and quantities. The law of price is the skill; and the amount of skill expended in the work is as much for the market as are the goods. A man comes to market and says: "I have a pair of hands," and he obtains the lowest wages. Another man comes and says: "I have something more than a pair of hands; I have truth and fidelity." He gets a higher price. Another man comes and says: "I have something more; I have hands, and strength, and fidelity, and skill." He gets more than either of the others.

The next man comes and says: "I have got hands, and strength, and skill, and fidelity; but my hands work more than that. They know how to create things for the fancy, for the affections, for the moral sentiments"; and he gets more than either of the others. The last man comes and says: "I have all these qualities, and have them so highly that it is a peculiar genius"; and genius carries the whole market and gets the highest price. [Loud applause.] So that both the workman and the merchant are profited by having purchasers that demand quality, variety, and quantity. Now, if this be so in the town or the city, it can only be so because it is a law. This is the specific development of a general or universal law, and therefore we should expect to find it as true of a nation as of a city like Liverpool. I know that it is so, and you know that it is true of all the world; and it is just as important to have customers educated, intelligent, moral, and rich out of Liverpool as it is in Liverpool. [Applause.] They are able to buy; they want variety, they want the very best; and those are the customers you want. That nation is the best customer that is freest, because freedom works prosperity, industry, and

wealth. Great Britain, then, aside from moral considerations, has a direct commercial and pecuniary interest in the liberty, civilization, and wealth of every nation on the globe. [Loud applause.] You also have an interest in this, because you are a moral and religious people. ["Oh, oh!" laughter and applause.] You desire it from the highest motives; and godliness is profitable in all things, having the promise of the life that now is, as well as of that which is to come; but if there were no hereafter, and if man had no progress in this life, and if there were no question of civilization at all, it would be worth your while to protect civilization and liberty, merely as a commercial speculation. To evangelize has more than a moral and religious import—it comes back to temporal relations. Wherever a nation that is crushed, cramped, degraded under despotism is struggling to be free, you, Leeds, Sheffield, Manchester, Paisley, all have an interest that that nation should be free. When depressed and backward people demand that they may have a chance to rise—Hungary, Italy, Poland—it is a duty for humanity's sake, it is a duty for the highest moral motives, to sympathize with them; but besides all these

there is a material and an interested reason why you should sympathize with them. Pounds and pence join with conscience and with honor in this design. Now, Great Britain's chief want is—what?

They have said that your chief want is cotton. I deny it. Your chief want is consumers. [Applause and hisses.] You have got skill, you have got capital, and you have got machinery enough to manufacture goods for the whole population of the globe. You could turn out fourfold as much as you do, if you only had the market to sell in. It is not so much the want, therefore, of fabric, though there may be a temporary obstruction of it; but the principal and increasing want—increasing from year to year—is, where shall we find men to buy what we can manufacture so fast? [Interruption, and a voice, “The Morrill tariff,”^s and applause.] Before the American war broke out, your warehouses were loaded with goods that you could not sell. [Applause and hisses.] You had over-manufactured; what is the meaning of over-manufacturing but this: that you had skill, capital, machinery, to create faster than you had customers to take goods off your hands? And you know that rich as Great

Britain is, vast as are her manufactures, if she could have fourfold the present demand, she could make fourfold riches to-morrow; and every political economist will tell you that your want is not cotton primarily, but customers. Therefore, the doctrine, how to make customers, is a great deal more important to Great Britain than the doctrine how to raise cotton. It is to that doctrine I ask from you, business men, practical men, men of fact, sagacious Englishmen—to that point I ask a moment's attention. [Shouts of "Oh, oh!" hisses, and applause.] There are no more continents to be discovered. [Hear, hear!] The market of the future must be found—how? There is very little hope of any more demand being created by new fields. If you are to have a better market there must be some kind of process invented to make the old fields better. [A voice, "Tell us something new," shouts of order, and interruption.] Let us look at it, then. You must civilize the world in order to make a better class of purchasers. [Interruption.] If you were to press Italy down again under the feet of despotism, Italy, discouraged, could draw but very few supplies from you. But give her liberty, kindle schools throughout

her valleys, spur her industry, make treaties with her by which she can exchange her wine, and her oil, and her silk for your manufactured goods; and for every effort that you make in that direction there will come back profit to you by increased traffic with her. [Loud applause.] If Hungary asks to be an unshackled nation—if by freedom she will rise in virtue and intelligence, then by freedom she will acquire a more multifarious industry, which she will be willing to exchange for your manufactures. Her liberty is to be found—where? You will find it in the Word of God, you will find it in the code of history; but you will also find it in the Price Current [Hear, hear!]; and every free nation, every civilized people—every people that rises from barbarism to industry and intelligence, becomes a better customer.

A savage is a man of one story, and that one story a cellar. When a man begins to be civilized, he raises another story. When you Christianize and civilize the man, you put story upon story, for you develop faculty after faculty; and you have to supply every story with your productions. The savage is a man one story deep; the civilized man is thirty stories deep. [Applause.] Now, if you go to a lodg-

ing-house, where there are three or four men, your sales to them may, no doubt, be worth something; but if you go to a lodging-house like some of those which I saw in Edinburgh, which seemed to contain about twenty stories ["Oh, oh!" and interruption], every story of which is full, and all who occupy buy of you—which is the better customer, the man who is drawn out, or the man who is pinched up? [Laughter.] Now, there is in this a great and sound principle of economy. ["Yah, yah!" from the passage outside the hall, and loud laughter.] If the South should be rendered independent—[at this juncture mingled cheering and hissing became immense; half the audience rose to their feet, waving hats and handkerchiefs, and in every part of the hall there was the greatest commotion and uproar.] You have had your turn now; now let me have mine again. [Loud applause and laughter.] It is a little inconvenient to talk against the wind; but after all, if you will just keep good-natured—I am not going to lose my temper; will you watch yours? [Applause.] Besides all that, it rests me, and gives me a chance, you know, to get my breath. [Applause and hisses.] And I think that the bark of those men is

worse than their bite. They do not mean any harm—they don't know any better. [Loud laughter, applause, hisses, and continued uproar.] I was saying, when these responses broke in, that it was worth our while to consider both alternatives. What will be the result if this present struggle shall eventuate in the separation of America, and making the South—[loud applause, hisses, hooting, and cries of "Bravo!"]—a slave territory exclusively,—[cries of "No, no!" and laughter]—and the North a free territory,—what will be the final result? You will lay the foundation for carrying the slave population clear through to the Pacific Ocean. This is the first step. There is not a man that has been a leader of the South any time within these twenty years, that has not had this for a plan. It was for this that Texas was invaded, first by colonists, next by marauders, until it was wrested from Mexico. It was for this that they engaged in the Mexican War itself, by which the vast territory reaching to the Pacific was added to the Union. Never for a moment have they given up the plan of spreading the American institutions, as they call them, straight through toward the West, until the slave, who has washed his feet

in the Atlantic, shall be carried to wash them in the Pacific. [Cries of "Question," and uproar.] There! I have got that statement out, and you cannot put it back. [Laughter and applause.] Now, let us consider the prospect. If the South becomes a slave empire, what relation will it have to you as a customer? [A voice: "Or any other man." Laughter.] It would be an empire of 12,000,000 of people. Now, of these, 8,000,000 are white, and 4,000,000 black. [A voice: "How many have you got?" Applause and laughter. Another voice: "Free your own slaves."] Consider that one third of the whole are the miserably poor, un-buying blacks. [Cries of "No, no!" "Yes, yes!" and interruption.] You do not manufacture much for them. [Hisses, "Oh!" "No."] You have not got machinery coarse enough. [Laughter, and "No."] Your labor is too skilled by far to manufacture bagging and linsey-woolsey. [A Southerner: "We are going to free them, every one."] Then you and I agree exactly. [Laughter.] One other third consists of a poor, unskilled, degraded white population; and the remaining one third, which is a large allowance, we will say, intelligent and rich.

Now here are twelve million of people, and

only one third of them are customers that can afford to buy the kind of goods that you bring to market. [Interruption and uproar.] My friends, I saw a man once, who was a little late at a railway station, chase an express train. He did not catch it. [Laughter.] If you are going to stop this meeting, you have got to stop it before I speak; for after I have got the things out, you may chase as long as you please—you would not catch them. [Laughter and interruption.] But there is luck in leisure; I'm going to take it easy. [Laughter.] Two thirds of the population of the Southern States to-day are non-purchasers of English goods. [A voice: "No, they are not"; "No, no!" and uproar.] Now you must recollect another fact—namely, that this is going on clear through to the Pacific Ocean; and if by sympathy or help you establish a slave empire, you sagacious Britons—["Oh, oh!" and hooting]—if you like it better, then, I will leave the adjective out—[laughter, Hear! and applause]—are busy in favoring the establishment of an empire from ocean to ocean that should have fewest customers and the largest non-buying population. [Applause, "No, no!" A voice: "I thought it was the happy people that populated fastest."]'

Now, what can England make for the poor white population of such a future empire, and for her slave population? What carpets, what linens, what cottons can you sell them? What machines, what looking-glasses, what combs, what leather, what books, what pictures, what engravings? [A voice: "We'll sell them ships."] You may sell ships to a few, but what ships can you sell to two thirds of the population of poor whites and blacks? [Applause.] A little bagging and a little linsey-woolsey, a few whips and manacles, are all that you can sell for the slave. [Great applause and uproar.] This very day, in the slave States of America there are eight millions out of twelve millions that are not, and cannot be your customers from the very laws of trade. [A voice: "Then how are they clothed?" and interruption.] * * *

But I know that you say, you cannot help sympathizing with a gallant people. [Hear, hear!] They are the weaker people, the minority; and you cannot help going with the minority who are struggling for their rights against the majority. Nothing could be more generous, when a weak party stands for its own legitimate rights against imperious pride and

power, than to sympathize with the weak. But who ever sympathized with a weak thief, because three constables had got hold of him? [Hear, hear!] And yet the one thief in three policemen's hands is the weaker party. I suppose you would sympathize with him. [Hear, hear! laughter, and applause.] Why, when that infamous king of Naples—Bomba, was driven into Gaeta by Garibaldi with his immortal band of patriots, and Cavour sent against him the army of Northern Italy, who was the weaker party then? The tyrant and his minions; and the majority was with the noble Italian patriots, struggling for liberty. I never heard that Old England sent deputations to King Bomba, and yet his troops resisted bravely there. [Laughter and interruption.] To-day the majority of the people of Rome is with Italy. Nothing but French bayonets keeps her from going back to the kingdom of Italy, to which she belongs. Do you sympathize with the minority in Rome or the majority in Italy? [A voice: "With Italy."] To-day the South is the minority in America, and they are fighting for *independence*! For what? [Uproar. A voice: "Three cheers for independence!" and hisses.] I could wish so much bravery had a better cause, and that

so much self-denial had been less deluded ; that the poisonous and venomous doctrine of State rights might have been kept aloof ; that so many gallant spirits, such as Jackson, might still have lived. [Great applause and loud cheers, again and again renewed.] The force of these facts, historical and incontrovertible, cannot be broken, except by diverting attention by an attack upon the North. It is said that the North is fighting for Union, and not for emancipation. The North is fighting for Union, for that ensures emancipation. [Loud cheers, "Oh, oh !" "No, no !" and cheers.] A great many men say to ministers of the Gospel : "You pretend to be preaching and working for the love of the people. Why, you are all the time preaching for the sake of the Church." What does the minister say ? "It is by means of the Church that we help the people," and when men say that we are fighting for the Union, I too say we are fighting for the Union. [Hear, hear ! and a voice : "That 's right."] But the motive determines the value ; and why are we fighting for the Union ? Because we never shall forget the testimony of our enemies. They have gone off declaring that the Union in the hands of the North was fatal to slavery. [Loud applause.] There

is testimony in court for you. [A voice: "See that," and laughter.] * * *

In the first place I am ashamed to confess that such was the thoughtlessness—[interruption]—such was the stupor of the North—[renewed interruption]—you will get a word at a time; to-morrow will let folks see what it is you don't want to hear—that for a period of twenty-five years she went to sleep, and permitted herself to be drugged and poisoned with the Southern prejudice against black men. [Applause and uproar.] The evil was made worse, because, when any object whatever has caused anger between political parties, a political animosity arises against that object, no matter how innocent in itself; no matter what were the original influences which excited the quarrel. Thus the colored man has been the football between the two parties in the North, and has suffered accordingly. I confess it to my shame. But I am speaking now on my own ground, for I began twenty-five years ago, with a small party, to combat the unjust dislike of the colored man. [Loud applause, dissension, and uproar. The interruption at this point became so violent that the friends of Mr. Beecher throughout the hall rose to their feet,

waving hats and handkerchiefs, and renewing their shouts of applause. The interruption lasted some minutes.] Well, I have lived to see a total revolution in the Northern feeling—I stand here to bear solemn witness of that. It is not my opinion; it is my knowledge. [Great uproar.] Those men who undertook to stand up for the rights of all men—black as well as white—have increased in number; and now what party in the North represents those men that resist the evil prejudices of past years? The Republicans are that party. [Loud applause.] And who are those men in the North that have oppressed the negro? They are *the Peace Democrats; and the prejudice for which in England you are attempting to punish me, is a prejudice raised by the men who have opposed me all my life.* These pro-slavery Democrats abuse the negro. I defended him, and they mobbed me for doing it. Oh, justice! [Loud laughter, applause, and hisses.] This is as if a man should commit an assault, maim and wound a neighbor, and a surgeon being called in should begin to dress his wounds, and by and by a policeman should come and collar the surgeon and haul him off to prison on account of the wounds which he was healing.

Now, I told you I would not flinch from any thing. I am going to read you some questions that were sent after me from Glasgow, purporting to be from a workingman. [Great interruption.] If those pro-slavery interrupters think they will tire me out, they will do more than eight millions in America could. [Applause and renewed interruption.] I was reading a question on your side too. "Is it not a fact that in most of the Northern States laws exist precluding negroes from equal civil and political rights with the whites? That in the State of New York the negro has to be the possessor of at least two hundred and fifty dollars' worth of property to entitle him to the privileges of a white citizen? That in some of the Northern States the colored man, whether bond or free, is by law excluded altogether, and not suffered to enter the State limits, under severe penalties? and is not Mr. Lincoln's own State one of them? and in view of the fact that the \$20,000,000 compensation which was promised to Missouri in aid of emancipation was defeated in the last Congress (the strongest Republican Congress that ever assembled), what has the North done toward emancipation?" Now, then, there 's a dose

for you. [A voice: "Answer it."] And I will address myself to the answering of it. And first, the bill for emancipation in Missouri, to which this money was denied, was a bill which was drawn by what we call "log-rollers," who inserted in it an enormously disproportioned price for the slaves. The Republicans offered to give them \$10,000,000 for the slaves in Missouri, and they outvoted it because they could not get \$12,000,000. Already half the slave population had been "run" down South, and yet they came up to Congress to get \$12,000,000 for what was not worth ten millions, nor even eight millions. Now as to those States that had passed "black" laws, as we call them; they are filled with Southern emigrants. The southern parts of Ohio, the southern part of Indiana, where I myself lived for years, and which I knew like a book, the southern part of Illinois, where Mr. Lincoln lives—[great uproar]—these parts are largely settled by emigrants from Kentucky, Tennessee, Georgia, Virginia, and North Carolina, and it was their vote, or the Northern votes pandering for political reasons to theirs, that passed in those States the infamous "black" laws; and the Republicans in these States have a record, clean and white,

as having opposed these laws in every instance as "infamous." Now as to the State of New York; it is asked whether a negro is not obliged to have a certain freehold property, or a certain amount of property, before he can vote. It is so still in North Carolina and Rhode Island for *white* folks—it is so in New York State. [Mr. Beecher's voice slightly failed him here, and he was interrupted by a person who tried to imitate him. Cries of "Shame!" and "Turn him out!"] I am not undertaking to say that these faults of the North, which were brought upon them by the bad example and influence of the South, are all cured; but I do say that they are in *process* of cure which promises, if unimpeded by foreign influence, to make all such odious distinctions vanish.

There is another fact that I wish to allude to—not for the sake of reproach or blame, but by way of claiming your more lenient consideration—and that is, that slavery was entailed upon us by your action. [Hear, hear!] Against the earnest protests of the colonists the then government of Great Britain—I will concede not knowing what were the mischiefs—ignorantly, but in point of fact, forced slave traffic

on the unwilling colonists. [Great uproar, in the midst of which one individual was lifted up and carried out of the room amidst cheers and hisses.]

The CHAIRMAN: If you would only sit down no disturbance would take place.

The disturbance having subsided,

MR. BEECHER said: I was going to ask you, suppose a child is born with hereditary disease; suppose this disease was entailed upon him by parents who had contracted it by their own misconduct, would it be fair that those parents that had brought into the world the diseased child, should rail at that child because it was diseased. ["No, no!"] Would not the child have a right to turn round and say: "Father, it was your fault that I had it, and you ought to be pleased to be patient with my deficiencies." [Applause and hisses, and cries of "Order!" Great interruption and great disturbance here took place on the right of the platform; and the chairman said that if the persons around the unfortunate individual who had caused the disturbance would allow him to speak alone, but not assist him in making the disturbance, it might soon be put an end to. The interruption continued until another person was carried out

of the hall.] Mr. Beecher continued : I do not ask that you should justify slavery in us, because it was wrong in you two hundred years ago ; but having ignorantly been the means of fixing it upon us, now that we are struggling with mortal struggles to free ourselves from it, we have a right to your tolerance, your patience, and charitable constructions.

No man can unveil the future ; no man can tell what revolutions are about to break upon the world ; no man can tell what destiny belongs to France, nor to any of the European powers ; but one thing is certain, that in the exigencies of the future there will be combinations and recombinations, and that those nations that are of the same faith, the same blood, and the same substantial interests, ought not to be alienated from each other, but ought to stand together. [Immense cheering and hisses.] I do not say that you ought not to be in the most friendly alliance with France or with Germany ; but I do say that your own children, the offspring of England, ought to be nearer to you than any people of strange tongue. [A voice : "Degenerate sons," applause and hisses ; another voice : "What about the *Trent* ? "] If there had been any feelings

of bitterness in America, let me tell you that they had been excited, rightly or wrongly, under the impression that Great Britain was going to intervene between us and our own lawful struggle. [A voice: "No!" and applause.] With the evidence that there is no such intention all bitter feelings will pass away. [Applause.] We do not agree with the recent doctrine of neutrality as a question of law. But it is past, and we are not disposed to raise that question. We accept it now as a fact, and we say that the utterance of Lord Russell at Blairgowrie—[Applause, hisses, and a voice: "What about Lord Brougham?"]—together with the declaration of the government in stopping war-steamers here—[great uproar, and applause]—has gone far toward quieting every fear and removing every apprehension from our minds. [Uproar and shouts of applause.] And now in the future it is the work of every good man and patriot not to create divisions, but to do the things that will make for peace. ["Oh, oh!" and laughter.] On our part it shall be done. [Applause and hisses, and "No, no!"] On your part it ought to be done; and when in any of the convulsions that come upon the world, Great Britain finds herself struggling

single-handed against the gigantic powers that spread oppression and darkness—[applause, hisses, and uproar]—there ought to be such cordiality that she can turn and say to her first-born and most illustrious child, “Come!” [Hear, hear! applause, tremendous cheers, and uproar.] I will not say that England cannot again, as hitherto, single-handed manage any power—[applause and uproar]—but I will say that England and America together for religion and liberty—[A voice: “Soap, soap,” uproar, and great applause]—are a match for the world. [Applause; a voice: “They don’t want any more soft soap.”] Now, gentlemen and ladies—[A voice: “Sam Slick”; and another voice: Ladies and gentlemen, if you please,”]—when I came I was asked whether I would answer questions, and I very readily consented to do so, as I had in other places; but I will tell you it was because I expected to have the opportunity of speaking with some sort of ease and quiet. [A voice: “So you have.”] I have for an hour and a half spoken against a storm—[Hear, hear!]

—and you yourselves are witnesses that, by the interruption, I have been obliged to strive with my voice, so that I no longer have the power to control this assembly.

[Applause.] And although I am in spirit perfectly willing to answer any question, and more than glad of the chance, yet I am by this very unnecessary opposition to-night incapacitated physically from doing it. Ladies and gentlemen, I bid you good-evening.'

ABRAHAM LINCOLN.

THE GETTYSBURGH ADDRESS, NOVEMBER 19, 1863

FOURSCORE and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did

here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.

ABRAHAM LINCOLN.*

SECOND INAUGURAL ADDRESS, MARCH 4, 1865.¹

FELLOW-COUNTRYMEN:

At this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than there was at first. Then a statement, somewhat in detail, of a course to be pursued seemed very fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented.

The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago, all thoughts were anxiously directed

* For note on Lincoln, see Appendix, p. 450.

to an impending civil war. All dreaded it, all sought to avoid it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it with war—seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came. One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the Southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union by war, while the government claimed no right to do more than to restrict the territorial enlargement of it.

Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease when, or even before the conflict itself should cease. Each looked for an easier triumph, and a result less funda-

mental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayer of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. Woe unto the world because of offences, for it must needs be that offences come, but woe to that man by whom the offence cometh. If we shall suppose that American slavery is one of those offences which, in the providence of God, must needs come, but which having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offence came, shall we discern there any departure from those Divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondsmen's two hundred and fifty years of unre-

quited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, that the judgments of the Lord are true and righteous altogether.

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

HENRY WINTER DAVIS,*

OF MARYLAND.¹

(BORN 1817, DIED 1865.)

ON RECONSTRUCTION ; THE FIRST REPUBLICAN
THEORY ; HOUSE OF REPRESENTATIVES,
MARCH 22, 1864.²

MR. SPEAKER :

The bill which I am directed by the committee on the rebellious States to report is one which provides for the restoration of civil government in States whose governments have been overthrown. It prescribes such conditions as will secure not only civil government to the people of the rebellious States, but will also secure to the people of the United States permanent peace after the suppression of the rebellion. The bill challenges the support of all who consider slavery the cause of the rebellion, and that in it the embers of rebellion will always smoulder ; of those who think that free-

* For notes on Davis, see Appendix, p. 450.

dom and permanent peace are inseparable, and who are determined, so far as their constitutional authority will allow them, to secure these fruits by adequate legislation. * * * It is entitled to the support of all gentlemen upon this side of the House, whatever their views may be of the nature of the rebellion, and the relation in which it has placed the people and States in rebellion toward the United States; not less of those who think that the rebellion has placed the citizens of the rebel States beyond the protection of the Constitution, and that Congress, therefore, has supreme power over them as conquered enemies, than of that other class who think that they have not ceased to be citizens and States of the United States, though incapable of exercising political privileges under the Constitution, but that Congress is charged with a high political power by the Constitution to guarantee republican governments in the States, and that this is the proper time and the proper mode of exercising it. It is also entitled to the favorable consideration of gentlemen upon the other side of the House who honestly and deliberately express their judgment that slavery is dead. To them it puts the question whether it is not advisable to

bury it out of sight, that its ghost may no longer stalk abroad to frighten us from our propriety. * * *

What is the nature of this case with which we have to deal, the evil we must remedy, the danger we must avert? In other words, what is that monster of political wrong which is called secession? It is not, Mr. Speaker, domestic violence, within the meaning of that clause of the Constitution, for the violence was the act of the people of those States through their governments, and was the offspring of their free and unforced will. It is not invasion, in the meaning of the Constitution, for no State has been invaded against the will of the government of the State by any power except the United States marching to overthrow the usurpers of its territory. It is, therefore, the act of the people of the States, carrying with it all the consequences of such an act. And therefore it must be either a legal revolution, which makes them independent, and makes of the United States a foreign country, or it is a usurpation against the authority of the United States, the erection of governments which do not recognize the Constitution of the United States, which the Constitution does not recog-

nize, and, therefore, not republican governments of the States in rebellion. The latter is the view which all parties take of it. I do not understand that any gentleman on the other side of the House says that any rebel government which does not recognize the Constitution of the United States, and which is not recognized by Congress, is a State government within the meaning of the Constitution. Still less can it be said that there is a State government, republican or unrepubli- can, in the State of Tennessee, where there is no government of any kind, no civil authority, no organized form of administration except that represented by the flag of the United States, obeying the will and under the orders of the military officer in command. * * * Those that are here represented are the only governments existing within the limits of the United States. Those that are not here represented are not governments of the States, republican under the Constitution. And if they be not, then they are military usurpations, inaugurated as the permanent governments of the States, contrary to the supreme law of the land, arrayed in arms against the Government of the United States; and it is the duty, the first and highest duty, of

the government to suppress and expel them. Congress must either expel or recognize and support them. If it do not guarantee them, it is bound to expel them ; and they who are not ready to suppress are bound to recognize them.⁶

We are now engaged in suppressing a military usurpation of the authority of the State governments. When that shall have been accomplished, there will be no form of State authority in existence which Congress can recognize. Our success will be the overthrow of all semblance of government in the rebel States. The Government of the United States is then in fact the only government existing in those States, and it is there charged to guarantee them republican governments.

What jurisdiction does the duty of guaranteeing a republican government confer under such circumstances upon Congress? What right does it give? What laws may it pass? What objects may it accomplish? What conditions may it insist upon, and what judgment may it exercise in determining what it will do? The duty of guaranteeing carries with it the right to pass all laws necessary and proper to guarantee. The duty of guaranteeing means the duty to accomplish the result. It means

that the republican government shall exist. It means that every opposition to republican government shall be put down. It means that every thing inconsistent with the permanent continuance of republican government shall be weeded out. It places in the hands of Congress to say what is and what is not, with all the light of experience and all the lessons of the past, inconsistent, in its judgment, with the permanent continuance of republican government; and if, in its judgment, any form of policy is radically and inherently inconsistent with the permanent and enduring peace of the country, with the permanent supremacy of republican government, and it have the manliness to say so, there is no power, judicial or executive, in the United States that can even question this judgment but the people; and they can do it only by sending other Representatives here to undo our work. The very language of the Constitution, and the necessary logic of the case, involve that consequence. The denial of the right of secession means that all the territory of the United States shall remain under the jurisdiction of the Constitution. If there can be no State government which does not recognize the Constitution, and which the

authorities of the United States do not recognize, then there are these alternatives, and these only: the rebel States must be governed by Congress till they submit and form a State government under the Constitution; or Congress must recognize State governments which do not recognize either Congress or the Constitution of the United States; or there must be an entire absence of all government in the rebel States—and that is anarchy. To recognize a government which does not recognize the Constitution is absurd, for a government is not a constitution; and the recognition of a State government means the acknowledgment of men as governors and legislators and judges, actually invested with power to make laws, to judge of crimes, to convict the citizens of other States, to demand the surrender of fugitives from justice, to arm and command the militia, to require the United States to repress all opposition to its authority, and to protect it against invasion—against our own armies; whose Senators and Representatives are entitled to seats in Congress, and whose electoral votes must be counted in the election of the President of a government which they disown and defy. To accept the alternative of anarchy as the consti-

tutional condition of a State is to assert the failure of the Constitution and the end of republican government. Until, therefore, Congress recognize a State government, organized under its auspices, there is no government in the rebel States except the authority of Congress. * * * When military opposition shall have been suppressed, not merely paralyzed, driven into a corner, pushed back, but gone, the horrid vision of civil war vanished from the South, then call upon the people to reorganize in their own way, subject to the conditions that we think essential to our permanent peace, and to prevent the revival hereafter of the rebellion—a republican government in the form that the people of the United States can agree to.

Now, for that purpose there are three modes indicated. One is to remove the cause of the war by an alteration of the Constitution of the United States, prohibiting slavery everywhere within its limits. That, sir, goes to the root of the matter, and should consecrate the nation's triumph. But there are thirty-four States; three fourths of them would be twenty-six. I believe there are twenty-five States represented in this Congress; so that we on that basis cannot change the Constitution. It is, therefore,

a condition precedent in that view of the case that more States shall have governments organized within them. If it be assumed that the basis of calculation shall be three fourths of the States now represented in Congress, I agree to that construction of the Constitution. * * *

But, under any circumstances, even upon that basis it will be difficult to find three fourths of the States, with New Jersey, or Kentucky, or Maryland, or Delaware, or other States that might be mentioned, opposed to it, under existing auspices, to adopt such a clause of the Constitution after we shall have agreed to it. If adopted it still leaves all laws necessary to the ascertainment of the will of the people, and all restrictions on the return to power of the leaders of the rebellion, wholly unprovided for. The amendment of the Constitution meets my hearty approval, but it is not a remedy for the evils we must deal with.

The next plan is that inaugurated by the President of the United States, in the proclamation of the 8th December (1863), called the amnesty proclamation.⁹ That proposes no guardianship of the United States over the reorganization of the governments, no law to prescribe who shall vote, no civil functionaries to see that

the law is faithfully executed, no supervising authority to control and judge of the election. But if in any manner by the toleration of martial law, lately proclaimed the fundamental law, under the dictation of any military authority, or under the prescription of a provost marshal, something in the form of a government shall be presented, represented to rest on the votes of one tenth of the population, the President will recognize that, provided it does not contravene the proclamation of freedom and the laws of Congress; and to secure that an oath is exacted. There is no guaranty of law to watch over the organization of that government.¹⁰ It may be recognized by the military power, and not recognized by the civil power, so that it would have a doubtful existence, half civil and half military, neither a temporary government by law of Congress nor a State government, something as unknown to the Constitution as the rebel government that refuses to recognize it.¹¹ The only prescription is that it shall not contravene the provisions of the proclamation. Sir, if that proclamation be valid, then we are relieved from all trouble on that score. But if that proclamation be not valid, then the oath to support it is without legal sanction, for the

President can ask no man to bind himself by an oath to support an unfounded proclamation or an unconstitutional law even for a moment, still less after it shall have been declared void by the Supreme Court of the United States. * * * ¹²

By the bill we propose to preclude the judicial question by the solution of a political question. How so? By the paramount power of Congress to reorganize governments in those States, to impose such conditions as it thinks necessary to secure the permanence of republican government, to refuse to recognize any governments there which do not prohibit slavery forever. Ay, gentlemen, take the responsibility to say in the face of those who clamor for the speedy recognition of governments tolerating slavery, that the safety of the people of the United States is the supreme law; that their will is the supreme rule of law, and that we are authorized to pronounce their will on this subject. Take the responsibility to say that we will revise the judgments of our ancestors; that we have experience written in blood which they had not; that we find now what they darkly doubted, that slavery is really, radically inconsistent with the permanence of republican governments; and that being charged

by the supreme law of the land on our conscience and judgment to guarantee, that is to continue, maintain and enforce, if it exist, to institute and restore, when overthrown, republican government throughout the broad limits of the republic, we will weed out every element of their policy which we think incompatible with its permanence and endurance. The purpose of the bill is to preclude the judicial question of the validity and effect of the President's proclamation by the decision of the political authority in reorganizing the State governments. It makes the rule of decision the provisions of the State constitution, which, when recognized by Congress, can be questioned in no court; and it adds to the authority of the proclamation the sanction of Congress. If gentlemen say that the Constitution does not bear that construction, we will go before the people of the United States on that question, and by their judgment we will abide.¹³

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(BORN 1825, DIED 1889.)

ON RECONSTRUCTION ; THE DEMOCRATIC THEORY ;
HOUSE OF REPRESENTATIVES, MAY 4, 1864.²

THE gentleman [Mr. H. W. Davis] maintains two propositions, which lie at the very basis of his views on this subject. He has explained them to the House, and enforced them on other occasions. He maintains that, by reason of their secession, the seceded States and their citizens "have not ceased to be citizens and States of the United States, though incapable of exercising political privileges under the Constitution, but that Congress is charged with a high political power by the Constitution to guarantee republican government in the States, and that this is the proper time and the proper mode of exercising it." This act of revolution on the part of the seceding States has evoked the most extraordinary theories upon the rela-

* For notes on Pendleton, see Appendix, p. 456.

tions of the States to the Federal Government. This theory of the gentleman is one of them.

The ratification of the Constitution by Virginia established the relation between herself and the Federal Government; it created the link between her and all the States; it announced her assumption of the duties, her title to the rights, of the confederating States; it proclaimed her interest in, her power over, her obedience to, the common agent of all the States. If Virginia had never ordained that ratification, she would have been an independent State; the Constitution would have been as perfect and the union between the ratifying States would have been as complete as they now are. Virginia repeals that ordinance, annuls that bond of union, breaks that link of confederation. She repeals but a single law, repeals it by the action of a sovereign convention, leaves her constitution, her laws, her political and social polity untouched. And the gentleman from Maryland tells us that the effect of this repeal is not to destroy the vigor of that law, but to subvert the State government, and to render the citizens "incapable of exercising political privileges"; that the Union remains, but that one party to it has thereby

lost its corporate existence, and the other has advanced to the control and government of it.

Sir, this cannot be. Gentlemen must not palter in a double sense. These acts of secession are either valid or invalid. If they are valid, they separated the State from the Union. If they are invalid, they are void; they have no effect; the State officers who act upon them are rebels to the Federal Government; the States are not destroyed; their constitutions are not abrogated; their officers are committing illegal acts, for which they are liable to punishment; the States have never left the Union, but, as soon as their officers shall perform their duties or other officers shall assume their places, will again perform the duties imposed, and enjoy the privileges conferred, by the Federal compact, and this not by virtue of a new ratification of the Constitution, nor a new admission by the Federal Government, but by virtue of the original ratification, and the constant, uninterrupted maintenance of position in the Federal Union since that date.

Acts of secession are not invalid to destroy the Union, and valid to destroy the State governments and the political privileges of their

citizens. We have heard much of the twofold relations which citizens of the seceded States may hold to the Federal Government—that they may be at once belligerents and rebellious citizens. I believe there are some judicial decisions to that effect. Sir, it is impossible. The Federal Government may possibly have the right to elect in which relation it will deal with them; it cannot deal at one and the same time in inconsistent relations. Belligerents, being captured, are entitled to be treated as prisoners of war; rebellious citizens are liable to be hanged. The private property of belligerents, according to the rules of modern war, shall not be taken without compensation; the property of rebellious citizens is liable to confiscation. Belligerents are not amenable to the local criminal law, nor to the jurisdiction of the courts which administer it; rebellious citizens are, and the officers are bound to enforce the law and exact the penalty of its infraction. The seceded States are either in the Union or out of it. If in the Union, their constitutions are untouched, their State governments are maintained, their citizens are entitled to all political rights, except so far as they may be deprived of them by the criminal law which they have infringed.

This seems incomprehensible to the gentleman from Maryland. In his view, the whole State government centres in the men who administer it, so that, when they administer it unwisely, or put it in antagonism to the Federal Government, the State government is dissolved, the State constitution is abrogated, and the State is left, in fact and in form, *de jure* and *de facto*, in anarchy, except so far as the Federal Government may rightfully intervene. * * * I submit that these gentlemen do not see with their usual clearness of vision. If, by a plague or other visitation of God, every officer of a State government should at the same moment die, so that not a single person clothed with official power should remain, would the State government be destroyed? Not at all. For the moment it would not be administered; but as soon as officers were elected, and assumed their respective duties, it would be instantly in full force and vigor.

If these States are out of the Union, their State governments are still in force, unless otherwise changed; their citizens are to the Federal Government as foreigners, and it has in relation to them the same rights, and none other, as it had in relation to British sub-

jects in the war of 1812, or to the Mexicans in 1846. Whatever may be the true relation of the seceding States, the Federal Government derives no power in relation to them or their citizens from the provision of the Constitution now under consideration, but, in the one case, derives all its power from the duty of enforcing the "supreme law of the land," and in the other, from the power "to declare war."

The second proposition of the gentleman from Maryland is this—I use his language: "That clause vests in the Congress of the United States a plenary, supreme, unlimited political jurisdiction, paramount over courts, subject only to the judgment of the people of the United States, embracing within its scope every legislative measure necessary and proper to make it effectual; and what is necessary and proper the Constitution refers in the first place to our judgment, subject to no revision but that of the people."

The gentleman states his case too strongly. The duty imposed on Congress is doubtless important, but Congress has no right to use a means of performing it forbidden by the Constitution, no matter how necessary or proper it might be thought to be. But, sir, this doctrine

is monstrous. It has no foundation in the Constitution. It subjects all the States to the will of Congress; it places their institutions at the feet of Congress. It creates in Congress an absolute, unqualified despotism. It asserts the power of Congress in changing the State governments to be "plenary, supreme, unlimited," "subject only to revision by the people of the United States." The rights of the people of the State are nothing; their will is nothing. Congress first decides; the people of the whole Union revise. My own State of Ohio is liable at any moment to be called in question for her constitution. She does not permit negroes to vote. If this doctrine be true, Congress may decide that this exclusion is anti-republican, and by force of arms abrogate that constitution and set up another, permitting negroes to vote. From that decision of Congress there is no appeal to the people of Ohio, but only to the people of New York and Massachusetts and Wisconsin, at the election of representatives, and, if a majority cannot be elected to reverse the decision, the people of Ohio must submit. Woe be to the day when that doctrine shall be established, for from its centralized despotism we will appeal to the sword!

Sir, the rights of the States were the foundation corners of the confederation. The Constitution recognized them, maintained them, provided for their perpetuation. Our fathers thought them the safeguard of our liberties. They have proved so. They have reconciled liberty with empire; they have reconciled the freedom of the individual with the increase of our magnificent domain. They are the test, the touchstone, the security of our liberties. This bill, and the avowed doctrine of its supporters, sweeps them all instantly away. It substitutes despotism for self-government—despotism the more severe because vested in a numerous Congress elected by a people who may not feel the exercise of its power. It subverts the government, destroys the confederation, and erects a tyranny on the ruins of republican governments. It creates unity—it destroys liberty; it maintains integrity of territory, but destroys the rights of the citizen.⁴

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ON RECONSTRUCTION ; THE RADICAL REPUBLICAN
THEORY ; HOUSE OF REPRESENTATIVES,
DECEMBER 18, 1865.²

A CANDID examination of the power and proper principles of reconstruction can be offensive to no one, and may possibly be profitable by exciting inquiry. One of the suggestions of the message which we are now considering has special reference to this. Perhaps it is the principle most interesting to the people at this time. The President assumes, what no one doubts, that the late rebel States have lost their constitutional relations to the Union, and are incapable of representation in Congress, except by permission of the Government. It matters but little, with this admission, whether

* For notes on Stevens, see Appendix, p. 458.

you call them States out of the Union, and now conquered territories, or assert that because the Constitution forbids them to do what they did do, that they are therefore only dead as to all national and political action, and will remain so until the Government shall breathe into them the breath of life anew and permit them to occupy their former position. In other words, that they are not out of the Union, but are only dead carcasses lying within the Union. In either case, it is very plain that it requires the action of Congress to enable them to form a State government and send representatives to Congress. Nobody, I believe, pretends that with their old constitutions and frames of government they can be permitted to claim their old rights under the Constitution. They have torn their constitutional States into atoms, and built on their foundations fabrics of a totally different character. Dead men cannot raise themselves. Dead States cannot restore their own existence "as it was." Whose especial duty is it to do it? In whom does the Constitution place the power? Not in the judicial branch of Government, for it only adjudicates and does not prescribe laws. Not in the Executive, for he only

executes and cannot make laws. Not in the Commander-in-Chief of the armies, for he can only hold them under military rule until the sovereign legislative power of the conqueror shall give them law.

There is fortunately no difficulty in solving the question. There are two provisions in the Constitution, under one of which the case must fall. The fourth article says:

“New States may be admitted by the Congress into this Union.”

In my judgment this is the controlling provision in this case. Unless the law of nations is a dead letter, the late war between two acknowledged belligerents severed their original compacts, and broke all the ties that bound them together. The future condition of the conquered power depends on the will of the conqueror. They must come in as new States or remain as conquered provinces. Congress—the Senate and House of Representatives, with the concurrence of the President—is the only power that can act in the matter. But suppose, as some dreaming theorists imagine, that these States have never been out of the Union, but have only destroyed their State governments so as to be incapable of political

action ; then the fourth section of the fourth article applies, which says :

“ The United States shall guarantee to every State in this Union a republican form of government.”

Who is the United States? Not the judiciary ; not the President ; but the sovereign power of the people, exercised through their representatives in Congress, with the concurrence of the Executive. It means the political Government--the concurrent action of both branches of Congress and the Executive. The separate action of each amounts to nothing, either in admitting new States or guaranteeing republican governments to lapsed or outlawed States. Whence springs the preposterous idea that either the President, or the Senate, or the House of Representatives, acting separately, can determine the right of States to send members or Senators to the Congress of the Union?

To prove that they are and for four years have been out of the Union for all legal purposes, and, being now conquered, subject to the absolute disposal of Congress, I will suggest a few ideas and adduce a few authorities. If the so-called “ confederate States of

America " were an independent belligerent, and were so acknowledged by the United States and by Europe, or had assumed and maintained an attitude which entitled them to be considered and treated as a belligerent, then, during such time, they were precisely in the condition of a foreign nation with whom we were at war ; nor need their independence as a nation be acknowledged by us to produce that effect.

* * * * *

After such clear and repeated decisions it is something worse than ridiculous to hear men of respectable standing attempting to nullify the law of nations, and declare the Supreme Court of the United States in error, because, as the Constitution forbids it, the States could not go out of the Union in fact. A respectable gentleman was lately reciting this argument, when he suddenly stopped and said, " Did you hear of that atrocious murder committed in our town? A rebel deliberately murdered a Government official." The person addressed said, " I think you are mistaken." " How so? I saw it myself." " You are wrong, no murder was or could be committed, for the law forbids it."

The theory that the rebel States, for four years a separate power and without representation in Congress, were all the time here in the Union, is a good deal less ingenious and respectable than the metaphysics of Berkeley, which proved that neither the world nor any human being was in existence. If this theory were simply ridiculous it could be forgiven; but its effect is deeply injurious to the stability of the nation. I cannot doubt that the late confederate States are out of the Union to all intents and purposes for which the conqueror may choose so to consider them.

* * * * *

But suppose these powerful but now subdued belligerents, instead of being out of the Union, are merely destroyed, and are now lying about, a dead corpse, or with animation so suspended as to be incapable of action, and wholly unable to heal themselves by any unaided movements of their own. Then they may fall under the provision of the Constitution, which says "The United States shall guarantee to every State in the Union a republican form of government." Under that power, can the judiciary, or the President, or the Commander-in-Chief of the Army, or the Senate or House

of Representatives, acting separately, restore them to life and readmit them into the Union? I insist that if each acted separately, though the action of each was identical with all the others, it would amount to nothing. Nothing but the joint action of the two Houses of Congress and the concurrence of the President could do it. If the Senate admitted their Senators, and the House their members, it would have no effect on the future action of Congress. The Fortieth Congress might reject both. Such is the ragged record of Congress for the last four years.

* * * * *

Congress alone can do it. But Congress does not mean the Senate, or the House of Representatives, and President, all acting severally. Their joint action constitutes Congress. Hence a law of Congress must be passed before any new State can be admitted, or any dead ones revived. Until then no member can be lawfully admitted into either House. Hence it appears with how little knowledge of constitutional law each branch is urged to admit members separately from these destroyed States. The provision that "each House shall be the judge of the elections, returns, and qualifica-

tions of its own members," has not the most distant bearing on this question. Congress must create States and declare when they are entitled to be represented. Then each House must judge whether the members presenting themselves from a recognized State possess the requisite qualifications of age, residence, and citizenship ; and whether the elections and returns are according to law. The Houses, separately, can judge of nothing else. It seems amazing that any man of legal education could give it any larger meaning.

It is obvious from all this that the first duty of Congress is to pass a law declaring the condition of these outside or defunct States, and providing proper civil governments for them. Since the conquest they have been governed by martial law. Military rule is necessarily despotic, and ought not to exist longer than is absolutely necessary. As there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years, I know of no arrangement so proper for them as territorial governments. There they can learn the principles of freedom and eat the fruit of foul rebellion. Under such governments, while

electing members to the territorial Legislatures, they will necessarily mingle with those to whom Congress shall extend the right of suffrage. In Territories, Congress fixes the qualifications of electors; and I know of no better place nor better occasion for the conquered rebels and the conqueror to practise justice to all men, and accustom themselves to make and to obey equal laws.

And these fallen rebels cannot at their option re-enter the heaven which they have disturbed, the garden of Eden which they have deserted; as flaming swords are set at the gates to secure their exclusion, it becomes important to the welfare of the nation to inquire when the doors shall be reopened for their admission.

According to my judgment they ought never to be recognized as capable of acting in the Union, or of being counted as valid States, until the Constitution shall have been so amended as to make it what its framers intended, and so as to secure perpetual ascendancy to the party of the Union; and so as to render our republican Government firm and stable forever. The first of those amendments is to change the basis of representation among the States from Federal members to actual voters.*

Now all the colored freemen in the slave States, and three fifths of the slaves, are represented, though none of them have votes. The States have nineteen representatives of colored slaves. If the slaves are now free then they can add, for the other two fifths, thirteen more, making the slaves represented thirty-two. I suppose the free blacks in those States will give at least five more, making the representation of non-voting people of color about thirty-seven. The whole number of representatives now from the slave States is seventy. Add the other two fifths and it will be eighty-three.

If the amendment prevails, and those States withhold the right of suffrage from persons of color, it will deduct about thirty-seven, leaving them but forty-six. With the basis unchanged, the eighty-three Southern members, with the Democrats that will in the best times be elected from the North, will always give them a majority in Congress and in the Electoral College. They will at the very first election take possession of the White House and the halls of Congress. I need not depict the ruin that would follow. Assumption of the rebel debt or repudiation of the Federal debt would be sure to follow. The oppression of the freedmen, the

re-amendment of their State constitutions, and the re-establishment of slavery would be the inevitable result. That they would scorn and disregard their present constitutions, forced upon them in the midst of martial law, would be both natural and just. No one who has any regard for freedom of elections can look upon those governments, forced upon them in duress, with any favor. If they should grant the right of suffrage to persons of color, I think there would always be Union white men enough in the South, aided by the blacks, to divide the representation, and thus continue the Republican ascendancy. If they should refuse to thus alter their election laws it would reduce the representatives of the late slave States to about forty-five and render them powerless for evil.

It is plain that this amendment must be consummated before the defunct States are admitted to be capable of State action, or it never can be.

The proposed amendment to allow Congress to lay a duty on exports is precisely in the same situation. Its importance cannot well be overstated. It is very obvious that for many years the South will not pay much under our internal revenue laws. The only article on

which we can raise any considerable amount is cotton. It will be grown largely at once. With ten cents a pound export duty it would be furnished cheaper to foreign markets than they could obtain it from any other part of the world. The late war has shown that. Two million bales exported, at five hundred pounds to the bale, would yield \$100,000,000. This seems to me the chief revenue we shall ever derive from the South. Besides, it would be a protection to that amount to our domestic manufactures. Other proposed amendments—to make all laws uniform; to prohibit the assumption of the rebel debt—are of vital importance, and the only thing that can prevent the combined forces of copperheads and secessionists from legislating against the interests of the Union whenever they may obtain an accidental majority.

But this is not all that we ought to do before these inveterate rebels are invited to participate in our legislation. We have turned, or are about to turn, loose four million of slaves without a hut to shelter them, or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the commonest laws of contract,

or of managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage. Their condition would be worse than that of our prisoners at Andersonville. If we fail in this great duty now, when we have the power, we shall deserve and receive the execration of history and of all future ages.

Two things are of vital importance.

I. So to establish a principle that none of the rebel States shall be counted in any of the amendments of the Constitution until they are duly admitted into the family of States by the law-making power of their conqueror. For more than six months the amendment of the Constitution abolishing slavery has been ratified by the Legislatures of three fourths of the States that acted on its passage by Congress, and which had Legislatures, or which were States capable of acting, or required to act, on the question.

I take no account of the aggregation of whitewashed rebels, who without any legal

authority have assembled in the capitals of the late rebel States and simulated legislative bodies. Nor do I regard with any respect the cunning by-play into which they deluded the Secretary of State by frequent telegraphic announcements that "South Carolina had adopted the amendment," "Alabama has adopted the amendment, being the twenty-seventh State," etc. This was intended to delude the people, and accustom Congress to hear repeated the names of these extinct States as if they were alive; when, in truth, they have no more existence than the revolted cities of Latium, two thirds of whose people were colonized and their property confiscated, and their right of citizenship withdrawn by conquering and avenging Rome.

2. It is equally important to the stability of this Republic that it should now be solemnly decided what power can revive, recreate, and reinstate these provinces into the family of States, and invest them with the rights of American citizens. It is time that Congress should assert its sovereignty, and assume something of the dignity of a Roman senate. It is fortunate that the President invites Congress to take this manly attitude. After stating with

great frankness in his able message his theory, which, however, is found to be impracticable, and which I believe very few now consider tenable, he refers the whole matter to the judgment of Congress. If Congress should fail firmly and wisely to discharge that high duty it is not the fault of the President.

This Congress owes it to its own character to set the seal of reprobation upon a doctrine which is becoming too fashionable, and unless rebuked will be the recognized principle of our Government. Governor Perry and other provisional governors and orators proclaim that "this is the white man's Government." The whole copperhead party, pandering to the lowest prejudices of the ignorant, repeat the cuckoo cry, "This is the white man's Government." Demagogues of all parties, even some high in authority, gravely shout, "This is the white man's Government." What is implied by this? That one race of men are to have the exclusive right forever to rule this nation, and to exercise all acts of sovereignty, while all other races and nations and colors are to be their subjects, and have no voice in making the laws and choosing the rulers by whom they are to be governed. Wherein does this

differ from slavery except in degree? Does not this contradict all the distinctive principles of the Declaration of Independence? When the great and good men promulgated that instrument, and pledged their lives and sacred honors to defend it, it was supposed to form an epoch in civil government. Before that time it was held that the right to rule was vested in families, dynasties, or races, not because of superior intelligence of virtue, but because of a divine right to enjoy exclusive privileges.

Our fathers repudiated the whole doctrine of the legal superiority of families or races, and proclaimed the equality of men before the law. Upon that they created a revolution and built the Republic. They were prevented by slavery from perfecting the superstructure whose foundation they had thus broadly laid. For the sake of the Union they consented to wait, but never relinquished the idea of its final completion. The time to which they looked forward with anxiety has come. It is our duty to complete their work. If this Republic is not now made to stand on their great principles, it has no honest foundation, and the Father of all men will still shake it to its centre. If we have not yet been sufficiently scourged for our

national sin to teach us to do justice to all God's creatures, without distinction of race or color, we must expect the still more heavy vengeance of an offended Father, still increasing his inflictions as he increased the severity of the plagues of Egypt until the tyrant consented to do justice. And when that tyrant repented of his reluctant consent, and attempted to re-enslave the people, as our southern tyrants are attempting to do now, he filled the Red Sea with broken chariots and drowned horses, and strewed the shores with dead carcasses.

Mr. Chairman, I trust the Republican party will not be alarmed at what I am saying. I do not profess to speak their sentiments, nor must they be held responsible for them. I speak for myself, and take the responsibility, and will settle with my intelligent constituents.

This is not a "white man's Government," in the exclusive sense in which it is used. To say so is political blasphemy, for it violates the fundamental principles of our gospel of liberty. This is man's Government; the Government of all men alike; not that all men will have equal power and sway within it. Accidental circumstances, natural and acquired endow-

ment and ability, will vary their fortunes. But equal rights to all the privileges of the Government is innate in every immortal being, no matter what the shape or color of the tabernacle which it inhabits.

If equal privileges were granted to all, I should not expect any but white men to be elected to office for long ages to come. The prejudice engendered by slavery would not soon permit merit to be preferred to color. But it would still be beneficial to the weaker races. In a country where political divisions will always exist, their power, joined with just white men, would greatly modify, if it did not entirely prevent, the injustice of majorities. Without the right of suffrage in the late slave States (I do not speak of the free States), I believe the slaves had far better been left in bondage. I see it stated that very distinguished advocates of the right of suffrage lately declared in this city that they do not expect to obtain it by congressional legislation, but only by administrative action, because, as one gallant gentleman said, the States had not been out of the Union. Then they will never get it. The President is far sounder than they. He sees that administrative action has nothing

to do with it. If it ever is to come, it must be by constitutional amendments or congressional action in the Territories, and in enabling acts.

How shameful that men of influence should mislead and miseducate the public mind! They proclaim, "This is the white man's Government," and the whole coil of copperheads echo the same sentiment, and upstart, jealous Republicans join the cry. Is it any wonder ignorant foreigners and illiterate natives should learn this doctrine, and be led to despise and maltreat a whole race of their fellow-men?

Sir, this doctrine of a white man's Government is as atrocious as the infamous sentiment that damned the late Chief-Justice to everlasting fame; and, I fear, to everlasting fire.'

HENRY J. RAYMOND,*

OF NEW YORK.¹

(BORN 1820, DIED 1869.)

ON RECONSTRUCTION ; CONSERVATIVE, OR ADMINISTRATION, REPUBLICAN OPINION ; IN THE HOUSE OF REPRESENTATIVES, DECEMBER 21, 1865.²

I NEED not say that I have been gratified to hear many things which have fallen from the lips of the gentleman from Ohio (Mr. Finck), who has just taken his seat. I have no party feeling, nor any other feeling, which would prevent me from rejoicing in the indications apparent on that side of the House of a purpose to concur with the loyal people of the country, and with the loyal administration of the Government, and with the loyal majorities in both Houses of Congress, in restoring peace and order to our common country. I cannot, perhaps, help wishing, sir, that these indica-

*For notes on Raymond, see Appendix, p. 463.

tions of an interest in the preservation of our Government had come somewhat sooner. I cannot help feeling that such expressions cannot now be of as much service to the country as they might once have been. If we could have had from that side of the House such indications of an interest in the preservation of the Union, such heartfelt sympathy with the efforts of the Government for the preservation of that Union, such hearty denunciation of those who were seeking its destruction, while the war was raging, I am sure we might have been spared some years of war, some millions of money, and rivers of blood and tears.

But, sir, I am not disposed to fight over again battles now happily ended. I feel, and I am rejoiced to find that members on the other side of the House feel, that the great problem now before us is to restore the Union to its old integrity, purified from everything that interfered with the full development of the spirit of liberty which it was made to enshrine. I trust that we shall have a general concurrence of the members of this House and of this Congress in such measures as may be deemed most fit and proper for the accomplishment of that result. I am glad to assume and to believe that there

is not a member of this House, nor a man in this country, who does not wish, from the bottom of his heart, to see the day speedily come when we shall have this nation—the great American Republic—again united, more harmonious in its action than it ever has been, and forever one and indivisible. We in this Congress are to devise the means to restore its union and its harmony, to perfect its institutions, and to make it in all its parts and in all its action, through all time to come, too strong, too wise, and too free ever to invite or ever to permit the hand of rebellion again to be raised against it.

Now, sir, in devising those ways and means to accomplish that great result, the first thing we have to do is to know the point from which we start, to understand the nature of the material with which we have to work—the condition of the territory and the States with which we are concerned. I had supposed at the outset of this session that it was the purpose of this House to proceed to that work without discussion, and to commit it almost exclusively, if not entirely, to the joint committee raised by the two Houses for the consideration of that subject. But, sir, I must say that I was

glad when I perceived the distinguished gentleman from Pennsylvania (Mr. Stevens), himself the chairman on the part of this House of that great committee on reconstruction, lead off in a discussion of this general subject, and thus invite all the rest of us who choose to follow him in the debate. In the remarks which he made in this body a few days since, he laid down, with the clearness and the force which characterize everything he says and does, his point of departure in commencing this great work. I had hoped that the ground he would lay down would be such that we could all of us stand upon it and co-operate with him in our common object. I feel constrained to say, sir—and do it without the slightest disposition to create or to exaggerate differences—that there were features in his exposition of the condition of the country with which I cannot concur. I cannot for myself start from precisely the point which he assumes.

In his remarks on that occasion he assumed that the States lately in rebellion were and are out of the Union. Throughout his speech—I will not trouble you with reading passages from it—I find him speaking of those States as “outside of the Union,” as “dead States,” as

having forfeited all their rights and terminated their State existence. I find expressions still more definite and distinct; I find him stating that they "are and for four years have been out of the Union for all legal purposes"; as having been for four years a "separate power," and "a separate nation."

His position therefore is that these States, having been in rebellion, are now out of the Union, and are simply within the jurisdiction of the Constitution of the United States as so much territory to be dealt with precisely as the will of the conqueror, to use his own language, may dictate. Now, sir, if that position is correct, it prescribes for us one line of policy to be pursued very different from the one that will be proper if it is not correct. His belief is that what we have to do is to create new States out of this territory at the proper time—many years distant—retaining them meantime in a territorial condition, and subjecting them to precisely such a state of discipline and tutelage as Congress or the Government of the United States may see fit to prescribe. If I believed in the premises which he assumes, possibly, though I do not think probably, I might agree with the conclusion he has reached.

But, sir, I cannot believe that this is our condition. I cannot believe that these States have ever been out of the Union, or that they are now out of the Union. I cannot believe that they ever have been, or are now, in any sense a separate Power. If they were, sir, how and when did they become so? They were once States of this Union—that every one concedes; bound to the Union and made members of the Union by the Constitution of the United States. If they ever went out of the Union it was at some specific time and by some specific act. I regret that the gentleman from Pennsylvania (Mr. Stevens) is not now in his seat. I should have been glad to ask him by what specific act, and at what precise time, any one of those States took itself out of the American Union. Was it by the ordinance of secession? I think we all agree that an ordinance of secession passed by any State of this Union is simply a nullity, because it encounters in its practical operation the Constitution of the United States, which is the supreme law of the land. It could have no legal, actual force or validity. It could not operate to effect any actual change in the relations of the State adopting it to the national Government, still

less to accomplish the removal of that State from the sovereign jurisdiction of the Constitution of the United States.

Well, sir, did the resolutions of the States, the declarations of their officials, the speeches of members of their Legislatures, or the utterances of their press accomplish the result? Certainly not. They could not possibly work any change whatever in the relations of these States to the General Government. All their ordinances and all their resolutions were simply declarations of a purpose to secede. Their secession, if it ever took place, certainly could not date from the time when their intention to secede was first announced. After declaring that intention, they proceeded to carry it into effect. How? By war. By sustaining their purpose by arms against the force which the United States brought to bear against it. Did they sustain it? Were their arms victorious? If they were, then their secession was an accomplished fact. If not, it was nothing more than an abortive attempt—a purpose unfulfilled. This, then, is simply a question of fact, and we all know what the fact is. They did not succeed. They failed to maintain their ground by force of arms—in other words, they failed to secede.

But the gentleman from Pennsylvania (Mr. Stevens) insists that they did secede, and that this fact is not in the least affected by the other fact that the Constitution forbids secession. He says that the law forbids murder, but that murders are nevertheless committed. But there is no analogy between the two cases. If secession had been accomplished, if these States had gone out, and overcome the armies that tried to prevent their going out, then the prohibition of the Constitution could not have altered the fact. In the case of murder the man is killed, and murder is thus committed in spite of the law. The fact of killing is essential to the committal of the crime ; and the fact of going out is essential to secession. But in this case there was no such fact. I think I need not argue any further the position that the rebel States have never for one moment, by any ordinances of secession, or by any successful war, carried themselves beyond the rightful jurisdiction of the Constitution of the United States. They have interrupted for a time the practical enforcement and exercise of that jurisdiction ; they rendered it impossible for a time for this Government to enforce obedience to its laws ; but there has never been an hour when this Government, or this

Congress, or this House, or the gentleman from Pennsylvania himself, ever conceded that those States were beyond the jurisdiction of the Constitution and laws of the United States.

During all these four years of war Congress has been making laws for the government of those very States, and the gentleman from Pennsylvania has voted for them, and voted to raise armies to enforce them. Why was this done if they were a separate nation? Why, if they were not part of the United States? Those laws were made for them as States. Members have voted for laws imposing upon them direct taxes, which are apportioned, according to the Constitution, only "among the several States" according to their population. In a variety of ways—to some of which the gentleman^a who preceded me has referred—this Congress has, by its action, assumed and asserted that they were still States in the Union, though in rebellion, and that it was with the rebellion that we were making war, and not with the States themselves as States, and still less as a separate, as a foreign Power.

* * * * *

Why, sir, if there be no constitution of any

sort in a State, no law, nothing but chaos, then that State would no longer exist as an organization. But that has not been the case, it never is the case in great communities, for they always have constitutions and forms of government. It may not be a constitution or form of government adapted to its relation to the Government of the United States; and that would be an evil to be remedied by the Government of the United States. That is what we have been trying to do for the last four years. The practical relations of the governments of those States with the Government of the United States were all wrong—were hostile to that Government. They denied our jurisdiction, and they denied that they were States of the Union, but their denial did not change the fact; and there was never any time when their organizations as States were destroyed. A dead State is a solecism, a contradiction in terms, an impossibility.

These are, I confess, rather metaphysical distinctions, but I did not raise them. Those who assert that a State is destroyed whenever its constitution is changed, or whenever its practical relations with this Government are changed, must be held responsible for whatever meta-

physical niceties may be necessarily involved in the discussion.

I do not know, sir, that I have made my views on this point clear to the gentleman from Pennsylvania (Mr. Kelley), who has questioned me upon it, and I am still more doubtful whether, even if they are intelligible, he will concur with me as to their justice. But I regard these States as just as truly within the jurisdiction of the Constitution, and therefore just as really and truly States of the American Union now as they were before the war. Their practical relations to the Constitution of the United States have been disturbed, and we have been endeavoring, through four years of war, to restore them and make them what they were before the war. The victory in the field has given us the means of doing this; we can now re-establish the practical relations of those States to the Government. Our actual jurisdiction over them, which they vainly attempted to throw off, is already restored. The conquest we have achieved is a conquest over the rebellion, not a conquest over the States whose authority the rebellion had for a time subverted.

For these reasons I think the views submit-

ted by the gentleman from Pennsylvania (Mr. Stevens) upon this point are unsound. Let me next cite some of the consequences which, it seems to me, must follow the acceptance of his position. If, as he asserts, we have been waging war with an independent Power, with a separate nation, I cannot see how we can talk of treason in connection with our recent conflict, or demand the execution of Davis or anybody else as a traitor. Certainly if we were at war with any other foreign Power we should not talk of the treason of those who were opposed to us in the field. If we were engaged in a war with France and should take as prisoner the Emperor Napoleon, certainly we would not talk of him as a traitor or as liable to execution. I think that by adopting any such assumption as that of the honorable gentleman, we surrender the whole idea of treason and the punishment of traitors. I think, moreover, that we accept, virtually and practically, the doctrine of State sovereignty, the right of a State to withdraw from the Union, and to break up the Union at its own will and pleasure. I do not see how upon those premises we can escape that conclusion. If the States that engaged in the late rebellion constituted them-

selves, by their ordinances of secession or by any of the acts with which they followed those ordinances, a separate and independent Power, I do not see how we can deny the principles on which they professed to act, or refuse assent to their practical results. I have heard no clearer, no stronger statement of the doctrine of State sovereignty as paramount to the sovereignty of the nation than would be involved in such a concession. Whether he intended it or not, the gentleman from Pennsylvania (Mr. Stevens) actually assents to the extreme doctrines of the advocates of secession.

THADDEUS STEVENS,*

OF PENNSYLVANIA.¹

(BORN 1792, DIED 1868.)

ON THE FIRST RECONSTRUCTION BILL ; HOUSE OF
REPRESENTATIVES, JANUARY 3, 1867.²

MR. SPEAKER:

What are the great questions which now divide the nation? In the midst of the political Babel which has been produced by the intermingling of secessionists, rebels, pardoned traitors, hissing Copperheads, and apostate Republicans, such a confusion of tongues is heard that it is difficult to understand either the questions that are asked or the answers that are given. Ask what is the "President's policy," and it is difficult to define it. Ask what is the "policy of Congress," and the answer is not always at hand. A few moments may be profitably spent in seeking the meaning of each of these terms.

In this country the whole sovereignty rests

* For notes on Stevens, see Appendix, p. 464.

with the people, and is exercised through their Representatives in Congress assembled. The legislative power is the sole guardian of that sovereignty. No other branch of the government, no other department, no other officer of the government, possesses one single particle of the sovereignty of the nation. No government official, from the President and Chief-Justice down, can do any one act which is not prescribed and directed by the legislative power. Suppose the government were now to be organized for the first time under the Constitution, and the President had been elected, and the judiciary appointed ; what could either do until Congress passed laws to regulate their proceedings? What power would the President have over any one subject of government until Congress had legislated on that subject ? * * *³ The President could not even create bureaus or departments to facilitate his executive operations. He must ask leave of Congress. Since, then, the President cannot enact, alter, or modify a single law ; cannot even create a petty office within his own sphere of operations ; if, in short, he is the mere servant of the people, who issue their commands to him through Congress, whence does he derive the constitutional

power to create new States, to remodel old ones, to dictate organic laws, to fix the qualifications of voters, to declare that States are republican and entitled to command Congress, to admit their Representatives? To my mind it is either the most ignorant and shallow mistake of his duties, or the most brazen and impudent usurpation of power. It is claimed for him by some as commander-in-chief of the army and navy. How absurd that a mere executive officer should claim creative powers. Though commander-in-chief by the Constitution, he would have nothing to command, either by land or water until Congress raised both army and navy. Congress also prescribes the rules and regulations to govern the army; even that is not left to the Commander-in-chief.

Though the President is commander-in-chief, Congress is his commander; and, God willing, he shall obey. He and his minions shall learn that this is not a government of kings and satraps, but a government of the people, and that Congress is the people. * * * To reconstruct the nation, to admit new States, to guarantee republican governments to old States, are all legislative acts. The President claims the right to exercise them. Congress denies it, and

asserts the right to belong to the legislative branch. They have determined to defend these rights against all usurpers. They have determined that, while in their keeping, the Constitution shall not be violated with impunity. This I take to be the great question between the President and Congress. He claims the right to reconstruct by his own power. Congress denies him all power in the matter except that of advice, and has determined to maintain such denial. "My policy" asserts full power in the Executive. The policy of Congress forbids him to exercise any power therein.

Beyond this I do not agree that the "policy" of the parties is defined. To be sure, many subordinate items of the policy of each may be easily sketched. The President * * *⁵ desires that the traitors (having sternly executed that most important leader Rickety Wirz,⁶ as a high example) should be exempt from further fine, imprisonment, forfeiture, exile, or capital punishment, and be declared entitled to all the rights of loyal citizens. He desires that the States created by him shall be acknowledged as valid States, while at the same time he inconsistently declares that the old rebel States are in full existence, and always have been, and have equal

rights with the loyal States. He opposes the amendment to the Constitution which changes the basis of representation, and desires the old slave States to have the benefit of their increase of freemen without increasing the number of votes; in short, he desires to make the vote of one rebel in South Carolina equal to the votes of three freemen in Pennsylvania or New York. He is determined to force a solid rebel delegation into Congress from the South, which, together with Northern Copperheads, could at once control Congress and elect all future Presidents.

Congress refuses to treat the States created by him as of any validity, and denies that the old rebel States have any existence which gives them any rights under the Constitution. Congress insists on changing the basis of representation so as to put white voters on an equality in both sections, and that such change shall precede the admission of any State. * * * Congress denies that any State lately in rebellion has any government or constitution known to the Constitution of the United States, or which can be recognized as a part of the Union. How, then, can such a State adopt the (XIIIth) amendment? To allow it would be yielding

the whole question, and admitting the unimpaired rights of the seceded States. I know of no Republican who does not ridicule what Mr. Seward thought a cunning movement, in counting Virginia and other outlawed States among those which had adopted the constitutional amendment abolishing slavery.

It is to be regretted that inconsiderate and incautious Republicans should ever have supposed that the slight amendments already proposed to the Constitution, even when incorporated into that instrument, would satisfy the reforms necessary for the security of the government. Unless the rebel States, before admission, should be made republican in spirit, and placed under the guardianship of loyal men, all our blood and treasure will have been spent in vain. * * *
The law of last session with regard to Territories settled the principles of such acts. Impartial suffrage, both in electing the delegates and in ratifying their proceedings, is now the fixed rule. There is more reason why colored voters should be admitted in the rebel States than in the Territories. In the States they form the great mass of the loyal men. Possibly, with their aid, loyal governments may be established in most of those States. Without it all

are sure to be ruled by traitors; and loyal men, black or white, will be oppressed, exiled, or murdered.

There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place, it is a necessity in order to protect the loyal white men in the seceded States. With them the blacks would act in a body; and it is believed then, in each of said States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. They must suffer constant persecution or be exiled.

Another good reason is that it would insure the ascendancy of the Union party. "Do you avow the party purpose?" exclaims some horror-stricken demagogue. I do. For I believe, on my conscience, that on the continued ascendancy of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel representation to Congress, and cast a solid rebel electoral vote. They,

with their kindred Copperheads of the North, would always elect the President and control Congress. While slavery sat upon her defiant throne, and insulted and intimidated the trembling North, the South frequently divided on questions of policy between Whigs and Democrats, and gave victory alternately to the sections. Now, you must divide them between loyalists, without regard to color, and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. For these, among other reasons, I am for negro suffrage in every rebel State. If it be just, it should not be denied ; if it be necessary, it should be adopted ; if it be a punishment to traitors, they deserve it.*

VIII.

FREE TRADE AND PROTECTION

VIII.

FREE TRADE AND PROTECTION.

THE periods into which this series has been divided will furnish, perhaps, some key to the brief summary of tariff discussion in the United States which follows. For it is not at all true that tariff discussion or decision has been isolated; on the contrary, it has influenced, and been influenced by, every other phase of the national development of the country.

Bancroft has laid none too great stress on the influence of the English mercantile system in forcing the American Revolution, and on the attitude of the Revolution as an organized revolt against the English system. One of the first steps by which the Continental Congress asserted its claim to independent national action was the throwing open of American ports to the commerce of all nations—that is, to free

trade. It should, however, be added that the extreme breadth of this liberality was due to the inability of Congress to impose any duties on imports; it had a choice only between absolute prohibition and absolute free trade, and it chose the latter. The States were not so limited. Both under the revolutionary Congress and under the Confederation they retained the entire duty power, and they showed no fondness for free trade. Commerce in general was light, and tariff receipts, even in the commercial States, were of no great importance; but, wherever it was possible, commercial regulations were framed in disregard of the free-trade principle. In order to retain the trade in firewood and vegetables within her own borders, New York, in 1787, even laid prohibitory duties on Connecticut and New Jersey boats; and retaliatory measures were begun by the two States attacked.

The Constitution gave to Congress, and forbade to the States, the power to regulate commerce. As soon as the Constitution came to

be put into operation, the manner and objects of the regulation of commerce by Congress became a public question. Many other considerations were complicated with it. It was necessary for the United States to obtain a revenue, and this could most easily be done by a tariff of duties on imports. It was necessary for the Federalist majority to consider the party interests both in the agricultural States, which would object to protective duties, and in the States which demanded them. But the highest consideration in the mind of Hamilton and the most influential leaders of the party seems to have been the maintenance of the Union. The repulsive force of the States toward one another was still sufficiently strong to be an element of constant and recognized danger to the Union. One method of overcoming it, as a part of the whole Hamiltonian policy, was to foster the growth of manufactures as an interest entirely independent of State lines and dependent on the national government, which would throw its whole influence

for the maintenance of the Union. This feeling runs through the speeches even of Madison, who prefaced his remarks by a declaration in favor of "a trade as free as the policy of nations would allow." Protection, therefore, began in the United States as an instrument of national unity, without regard to national profit; and the argument in its favor would have been quite as strong as ever to the mind of a legislator who accepted every deduction as to the economic disadvantages of protection. Arguments for its economic advantages are not wanting; but they have no such form and consistency as those of subsequent periods. The result of the discussion was the tariff act of July 4, 1789, whose preamble stated one of its objects to be "the encouragement and protection of manufactures." Its average duty, however, was but about 8.5 per cent. It was followed by other acts, each increasing the rate of general duties, until, at the outbreak of the War of 1812, the general rate was about 21 per cent. The war added about 6 per cent. to this rate.

Growth toward democracy very commonly brings a curious bias toward protection, contrasted with the fundamental free-trade argument that a protective system and a system of slave labor have identical bases. The bias toward a pronounced protective system in the United States makes its appearance with the rise of democracy; and, after the War of 1812, is complicated with party interests. New England was still the citadel of Federalism. The war and its blockade had fostered manufactures in New England; and the manufacturing interest, looking to the Democratic party for protection, was a possible force to sap the foundations of the citadel. Dallas, of Pennsylvania, Secretary of the Treasury, prepared, and Calhoun carried through Congress, the tariff of 1816. It introduced several protective features, the "minimum" feature, by which the imported article was assumed to have cost at least a certain amount in calculating duties, and positive protection for cottons and woollens. The duties paid under this tariff were about 30 per

cent. on all imports, or 33 per cent. on dutiable goods. In 1824 and 1828, under the lead of Clay, tariffs were adopted which made the tariff of duties still higher and more systematically protective; they touched high-water mark in 1830, being 40 per cent. on all imports, or 48.8 per cent. on dutiable goods. The influence of nullification in forcing through the compromise tariff of 1833, with its regular decrease of duties for ten years, has been stated in the first volume.

Under the workings of the compromise tariff there was a steady decrease in the rate on all imports, but not in the rate on dutiable goods, the comparison being 22 per cent. on total to 32 per cent. on dutiable for 1833, and 16 per cent. on total to 32 per cent. on dutiable for 1841. The conjunction of the increase in non-dutiable imports and the approach of free trade, with general financial distress, gave the Whigs success in the elections of 1840; and in 1841 they set about reviving protection. Unluckily for them, their chosen President, Harrison, was

dead, and his successor, Tyler, a Democrat by nature, taken up for political reasons by the Whigs, was deaf to Whig eloquence on the subject of the tariff. After an unsuccessful effort to secure a high tariff and a distribution of the surplus among the States, the semi-protective tariff of 1842 became law. Its result for the next four years was that the rate on dutiable goods was altered very little, while the rate on total imports rose from 16 per cent. to 26 per cent. The return of the Democrats to power was marked by the passage of the revenue tariff of 1846, which lasted, with a slight further reduction of duties in 1857, until 1861. Under its operation the rates steadily decreased until, in 1861, they were 18.14 per cent. on dutiable goods, and 11.79 per cent. on total imports.

The platform of the Republican party in the election of 1856 made no declaration for or against free trade or protection. The results of the election showed that the electoral votes of Pennsylvania and Illinois would have been

sufficient to give the party a victory in 1856. Both party policy and a natural regard to its strong Whig membership dictated a return to the protective feature of the Whig policy. In March, 1860, Mr. Morrill introduced a protective tariff bill in the House of Representatives, and it passed that body; and, in June, the Republican National Convention adopted, as one of its resolutions, a declaration in favor of a protective system. The Democratic Senate postponed the Morrill bill until the following session. When it came up again for consideration, in February, 1861, conditions had changed very considerably. Seven States had seceded, taking off fourteen Senators opposed to the bill; and it was passed. It was signed by President Buchanan, March 2, 1861, and went into operation April 1, raising the rates to about 20 per cent. In August and in December, two other acts were passed, raising the rates still higher. These were followed by other increases, which ran the maximum up, in 1868, to 48 per cent. on dutiable goods, the highest rate

from 1860 to date. It may be noted, however, that the rate of 1830—48.8 per cent. on dutiable goods—still retains its rank as the highest in our history.

The controlling necessity for ready money, to prevent the over-issue of bonds and greenbacks, undoubtedly gained votes in Congress sufficient to sustain the policy of protection, as a means of putting the capital of the country into positions where it could be easily reached by internal-revenue taxation. This conjunction of internal revenue and protection proved a mutual support until the payment of the war debt had gone so far as to provoke the reaction. The Democratic National Convention of 1876 attacked the tariff system as a masterpiece of iniquity, but no distinct issue was made between the parties on this question. In 1880 and 1884, the Republican party was the one to force the issue of protection or free trade upon its opponent, but its opponent evaded it.

In 1884, both parties admit the necessity of a reduction in the rates of duties, if for no other

reason, in order to reduce the surplus of Government receipts over expenditures, which is a constant stimulus to congressional extravagance. The Republican policy is in general to retain the principle of protection in the reduction; while the Democratic policy, so far as it is defined, is to deal as tenderly as possible with interests which have become vested under a protective system. What influence will be exerted by the present over-production and depression in business cannot, of course, be foretold; but the report of Mr. McCulloch, Secretary of the Treasury, in December, 1884, indicates an attempt to induce manufacturers to submit to an abandonment of protection, as a means of securing a decrease in cost of production, and a consequent foreign market for surplus product.

In taking Clay's speech in 1832 as the representative statement of the argument for protection, the editor has consulted Professor Thompson, of the University of Pennsylvania, and has been guided by his advice. On the

other side, the statement of Representative Hurd, in 1881, has been taken as, on the whole, the best summary of the free-trade argument. In both cases, the difficulty has been in the necessary exclusion of merely written arguments.

HENRY CLAY,*
OF KENTUCKY.¹

(BORN 1777, DIED 1852.)

ON THE AMERICAN SYSTEM ; IN THE UNITED STATES
SENATE, FEBRUARY 2-6, 1832.²

THE question which we are now called upon to determine, is not, whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long-established system, carefully and patiently built up and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act,

* For notes on Clay, see Appendix, p. 467.

but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith? * * *

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade! The call for free trade is as unavailing, as the cry of a spoiled child in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete until

foreign powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions, and exclusions on the other. The bolts and the bars and the chains of all other nations will remain undisturbed. It is, indeed, possible, that our industry and commerce would accommodate themselves to this unequal and unjust state of things ; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoner incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt ; and, if their policy prevails, it will lead substantially to the recolonization of these States, under the commercial dominion of Great Britain. * * *

I dislike this resort to authority, and especially *foreign* and *interested* authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason ; but, since they will appeal to British names and authority, I feel myself compelled

to imitate their bad example. Allow me to quote from the speech of a member of the British Parliament, bearing the same family name with my Lord Goderich, but whether or not a relation of his, I do not know. The member alluded to was arguing against the violation of the treaty of Methuen⁶—that treaty not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America,—and he went on to say :

“ It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called ‘free trade.’ Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by ‘free trade’ was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations. When the system of reciprocity and free trade had been proposed to a French ambassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on

was that of encouraging its *native* manufactures, and it was a *wise* policy ; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an *agricultural nation*, and *therefore* a poor nation, as all must be that depend *exclusively* upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity—legislated for an increasing population. America, too, was prospering under this system. In twenty years, America would be independent of England for manufactures altogether. * * * But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufacturers.” * * *

I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this, debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth by that description of industry, rather than in their own country? But is it correct? The joint-stock companies of the North, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are

brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and but in defence would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining perhaps only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions which cover the entire ground of debate. The first is, that, under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or, than they would command if it did not exist. If that be true, ought not the country to be contented and satisfied with the system, unless

the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable that all essential objects of consumption affected by the tariff are cheaper and better since the act of 1824 than they were for several years prior to that law? I appeal for its truth to common observation, and to all practical men. I appeal to the farmer of the country whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woollens, for his laboring people? And I ask the cotton-planter if he has not been better and more cheaply supplied with his cotton-bagging? In regard to this latter article, the gentleman from South Carolina was mistaken in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense

of that practice, which has something bold, daring, and enterprising in it, but mean, barefaced cheating, by fraudulent invoices and false denominations.

I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar-iron in the United States is supposed to be about 146,000 tons, of which 112,866 tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at 29,254, and the total number of persons subsisted by it at 146,273. The measure of protection extended to this necessary article was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity since that period has been in a ratio of near twenty-five per centum, and the wholesale price of bar-iron in the Northern cities was, in 1828, \$105 per ton; in 1829, \$100; in 1830, \$90; and in 1831, from \$85 to \$75—constantly diminishing. We import very little English iron, and that which

we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects entirely different are compared. They are made by different processes. The English cannot make iron of equal quality to ours at a less price than we do. They have three classes, best-best, and best, and ordinary. It is the latter which is imported. Of the whole amount imported there is only about 4,000 tons of foreign iron that pays the high duty, the residue paying only a duty of about thirty per centum, estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per centum, while theirs produces only about twenty-five. This fact is so well known that I have heard of recent exportations of iron ore to England.

It has been alleged that bar-iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers themselves. But I take this to be the true principle: that if our country is producing a raw material of prime necessity, and with reasonable protection can produce it in sufficient quantity to supply our wants, that raw material ought to

be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton-planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacturer. The ship-builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each in his proper vocation solicits protection, but would have it denied to all other interests which are supposed to come into collision with his.

Now, the duty of the statesman is to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measures of protection to each according to its nature and the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the Senate, is that of cotton fabrics. The success of our manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the exports of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. * * *

I hold in my hand a statement, derived from the most authentic source, showing that the identical description of cotton cloth, which sold in 1817 at twenty-nine cents per yard, was sold in 1819 at twenty-one cents, in 1821 at nineteen and a half cents, in 1823 at seventeen cents, in 1825 at fourteen and a half cents, in 1827 at thirteen cents, in 1829 at nine cents, in 1830 at nine and a half cents, and in 1831 at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined. The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far. Hence we observe a small rise of the article of the next

two years. The introduction of calico-printing into the United States, constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards—about two thirds of our whole consumption. * * *

In respect to woollens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles since the tariff of 1824. It would have been still greater, but for the high duty on raw material, imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the Senate to a single article of general and necessary use. The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now, let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannels during six years. The average price of them, in 1826, was thirty-eight

and three quarter cents ; in 1827, thirty-eight ; in 1828 (the year of the tariff), forty-six ; in 1829, thirty-six ; in 1830, (notwithstanding the advance in the price of wool), thirty-two ; and in 1831, thirty-two and one quarter. These facts require no comments. I have before me another statement of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries: and that, although a yard of flannel which would sell in England at fifteen cents would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window-glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet ; it now sells for three dollars and seventy-five cents. * * *

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles, and that is COMPETITION. By competition the total amount of the supply is increased, and by increase of the supply a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals of the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch: taken separately, each is nothing; but in their combination they produce efficiency, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in coöperation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduc-

tion of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe to her own presumed skill and labor exclusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse ; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and *excited* industry.

Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828, on the articles to which it applies, some of which he had imported, and that his purchases having been made in England before the passage of that tariff was known, it produced such an effect upon the English market that the articles could not be resold without loss, and he adds: "For it *really* appears that, when *additional* duties are laid upon an article, it then

becomes *lower* instead of *higher* ! ” This would not probably happen where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having *excited* or *stimulated* the measure of the home production.

The great law of *price* is determined by supply and demand. What affects either affects the price. If the supply is increased, the demand remaining the same, the price declines ; if the demand is increased, the supply remaining the same, the price advances ; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is, therefore, a great error to suppose that an existing or new duty *necessarily* becomes a component element to its exact amount of price. If the proportions of demand and supply are varied by the duty, either in augmenting the supply or diminishing the demand, or *vice versa*, the price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain after the duty is imposed precisely what they were be-

fore, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the parent cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. * * *

But it is argued that if, by the skill, experience, and perfection which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtained. The repeal, therefore, would have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European

attention is constantly directed. If a great house becomes bankrupt there, its storehouses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his monopoly of the supply of our consumption. What American citizen, after the government had displayed this vacillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more into this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the over-

throw of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than an unsettled and varying policy. Although every appeal to the National Legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquillity, and, my word for it, the degree of perfection in the arts which it will exhibit will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration

of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824: "No great interest of any country ever grew up in a day; no new branch of industry can become firmly and profitably established but in a long course of years; every thing, indeed, great or good, is matured by slow degrees; that which attains a speedy maturity is of small value, and is destined to brief existence. It is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself."

I feel most sensibly, Mr. President, how much I have trespassed upon the Senate. My apology is a deep and deliberate conviction, that the great cause under debate involves the prosperity and the destiny of the Union. But the best requital I can make, for the friendly indulgence which has been extended to me by the Senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the Senate than exhausting to me. I have now to consider the remaining of the

two propositions which I have already announced. That is—

Second, that under the operation of the American system, the products of our agriculture command a higher price than they would do without it, by the creation of a home market, and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognized by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us ; beyond the control of foreign legislation ; and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market-town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular products of their industry, they

might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchange, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

In considering this staple, the first circumstance that excites our surprise is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in

1816 was eighty-one millions of pounds; in 1826, two hundred and four millions; and in 1830, near three hundred millions! The ground of greatest surprise is that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have been done but for the combined operation of three causes, by which the consumption of cotton fabrics has been greatly extended in consequence of their reduced prices: first, competition; second, the improvement of labor-saving machinery; and thirdly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred and seventy-four millions (almost double of that of 1819), produced a less sum by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account satisfactorily for the alleged low price of cotton? * * *¹⁰

Let us suppose that the home demand for cotton, which has been created by the American system, should cease, and that the two hundred thousand bales which the home market now absorbs were now thrown into the glutted markets of foreign countries; would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated and endeavored to illustrate, it cannot be doubted that the existence of American manufactures has tended to increase the demand and extend the consumption of the raw material; and that, but for this increased demand, the price of the article would have fallen possibly one half lower than it now is. The error of the opposite argument is in assuming one thing, which being denied, the whole fails—that is, it assumes that the *whole* labor of the United States would be profitably employed without manufactures. Now, the truth is that the system excites and creates labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and

Providence alone during the last year (and it was imported exclusively for the home manufacture) was 109,517 bales.

On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston, during the same year, was 284,504 barrels, and 3,955 half barrels; of which, there were from Virginia, Georgetown, and Alexandria, 114,222 barrels; of Indian corn, 681,131 bushels; of oats, 239,809 bushels; of rye, about 50,000 bushels; and of shorts, 63,489 bushels; into the port of Providence, 71,369 barrels of flour; 216,662 bushels of Indian corn, and 7,772 bushels of rye. And there were discharged at the port of Philadelphia, 420,353 bushels of Indian corn, 201,878 bushels of wheat, and 110,557 bushels of rye and barley. There were slaughtered in Boston during the same year, 1831, (the only Northern city from which I have obtained returns,) 33,922 beef cattle; 15,400 calves; 84,453 sheep, and 26,871 swine. It is confidently believed that there is not a less quantity of Southern flour consumed at the North than eight hundred thousand barrels, a greater amount, probably, than is shipped to all the foreign markets of the world together.

What would be the condition of the farming country of the United States—of all that portion which lies north, east, and west of James River, including a large part of North Carolina—if a home market did not exist for this immense amount of agricultural produce. Without that market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their capacity would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention of the Senate to Great Britain only. The duties in the ports of the united kingdom on bread-stuffs are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per centum. On manufactured tobacco it is nine shillings sterling per pound, or about two thousand per centum. On leaf tobacco three shillings per pound, or one thousand two hundred per centum. On lumber, and some other articles, they are from four hundred to fifteen hundred per centum more than on similar articles imported from British colonies. In the

British West Indies the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per centum on the first cost of beef and pork in the Western States. And yet Great Britain is the power in whose behalf we are called upon to legislate, so that *we* may enable *her* to purchase our cotton. Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation with reference to the interests of any foreign power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious; not more separated from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler, contest for superiority in the arts of civil life.

I could extend and dwell on the long list of articles—the hemp, iron, lead, coal, and other items—for which a demand is created in the home market by the operation of the American system; but I should exhaust the patience of the Senate. *Where, where* should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people, and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake Bay, the lower parts of North Carolina, Virginia, and the two shores of Maryland. Their facilities of transportation, and proximity to the North, give them decided advantages.

But if all this reasoning were totally fallacious; if the price of manufactured articles were really higher, under the American system, than without it, I should still argue that high or

low prices were themselves relative—relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse, articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country, which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, have nothing to purchase foreign fabrics with. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth, her *excited* and *protected* industry, is enabled to bear a burden of taxation, which, when compared to that of other nations, appears enormous; but which, when her immense riches are compared to theirs, is light and trivial. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence that we should be a commercial

people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal, trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and *securing* a home market for its rich and abundant products; by employing the water power with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question in reference only to a state of peace; but who can tell when the storm of war shall again break forth? Have we forgotten so soon the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessities? To what an enormous price they rose! And how inadequate the supply was, at any price! The statesman who justly elevates his views will look behind as well as forward, and at the existing state of things; and he will graduate the policy

which he recommends to all the probable exigencies which may arise in the republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing:

First, that the policy which we have been considering ought to continue to be regarded as the genuine American system.

Secondly, that the free-trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.

Thirdly, that the American system is beneficial to all parts of the Union, and absolutely necessary to much the larger portion.

Fourthly, that the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the protective system.

Fifthly, that if the foreign demand for cotton has been at all diminished, the diminution has

been more than compensated in the additional demand created at home.

Sixthly, that the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects.

Seventhly, that, in point of fact, objects within the scope of the policy of protection have greatly fallen in price.

Eighthly, that if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

Ninthly, and finally, that the substitution of the British colonial system for the American system, without benefiting any section of the Union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactories, general impoverishment, and ultimate ruin. * * * "The danger of our Union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James River, and all west of the mountains, including Louisiana, are deeply

interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two thirds, if not three fourths, of the people of the United States would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union, if Pennsylvania and New York, those mammoth members of our Confederacy, were firmly persuaded that their industry was paralyzed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil and happy and contented, conscious of their welfare, and

feeling a salutary and rapid circulation of the products of home manufactures and home industry, throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the West, and the Middle States, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then indeed might we tremble for the continuance and safety of this Union!

And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present Constitution? The States respectively surrendered to the general government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures by the most efficacious means of encouragement—the imposition of duties on rival foreign fabrics. Did they create that great trust, did they voluntarily subject themselves to this self-restriction, that the power should remain

in the Federal government inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the government, told you otherwise. In discussing at that early period this very subject, he declared that a failure to exercise this power would be a "*fraud*" upon the Northern States, to which may now be added the Middle and Western States.

[Governor Miller asked to what expression of Mr. Madison's opinion Mr. Clay referred; and Mr. Clay replied, his opinion, expressed in the House of Representatives in 1789, as reported in Lloyd's Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has in the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this Union which has been most steady, most unanimous, and most determined in its support, it is Pennsylvania. Why is not that powerful State attacked? Why pass her over, and aim the blow at New England? New England came reluctantly into the policy. In 1824, a majority of her delegation was opposed to it. From the largest State of New England there was but a solitary vote in favor of the

bill. That interesting people can readily accommodate their industry to any policy, provided it be *settled*. They supposed this was fixed, and they submitted to the decrees of government. And the progress of public opinion has kept pace with the developments of the benefits of the system. Now, all New England, at least in this House (with the exception of one small still voice), is in favor of the system. In 1824, all Maryland was against it; now the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the South. Virginia will be the next convert; and in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of Eastern Virginia will be, as the majority of Western Virginia now is, in favor of the American system. North Carolina will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole Union, and the wonder will be, that they ever should have been opposed.

FRANK H. HURD,*

OF OHIO.¹

(BORN 1841, DIED 1896.)

A TARIFF FOR REVENUE ONLY ; HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1881.²

MR. CHAIRMAN :

At the very threshold it is proper to define the terms I shall use and state the exact propositions I purpose to maintain. A tariff is a tax upon imported goods. Like other taxes which are levied, it should be imposed only to raise revenue for the government. It is true that incidental protection to some industries will occur when the duty is placed upon articles which may enter into competition with those of domestic manufacture. I do not propose to discuss now how this incidental protection shall be distributed. This will be a subsequent consideration when the preliminary question has been settled as to what shall be the nature of the tariff itself. The present tariff imposes duties

* For notes on Hurd, see Appendix, p. 470.

upon nearly four thousand articles, and was levied and is defended upon the ground that American industries should be protected. Thus protection has been made the object; revenue the incident. Indeed, in many cases the duty is so high that no revenue whatever is raised for the government, and in nearly all so high that much less revenue is collected than might be realized. So true is this that, if the present tariff were changed so as to make it thereby a revenue tariff, one fifth at least could be added to the receipts of the Treasury from imports. Whenever I use the phrase free trade or free trader, I mean either a tariff for revenue only or one who advocates it.

So far as a tariff for revenue is concerned, I do not oppose it, even though it may contain some objectionable incidental protection. The necessities of the government require large revenues, and it is not proposed to interfere with a tariff so long as it is levied to produce them; but, to a tariff levied for protection in itself and for its own sake, I do object. I therefore oppose the present tariff, and the whole doctrine by which it is attempted to be justified. I make war against all its protective features, and insist that the laws which contain them shall be amended,

so that out of the importations upon which the duty is levied the greatest possible revenue for the government may be obtained.

What, then, is the theory of protection? It is based upon the idea that foreign produce imported into this country will enter into competition with domestic products and undersell them in the home market, thus crippling if not destroying domestic production. To prevent this, the price of the foreign goods in the home market is increased so as to keep them out of the country altogether, or to place the foreigner, in the cost of production, upon the same footing as the American producer. This is proposed to be done by levying a duty upon the foreign importation. If it be so high that the importer cannot pay it and sell the goods at a profit, the facilities of production between this and other countries are said to be equalized, and the American producer is said to be protected. It will be seen, therefore, that protection means the increase of price. Without it the fabric has no foundation on which to rest. If the foreign goods are still imported, the importer adds the duty paid to the selling price. If he cannot import with profit, the American producer raises his price to a point

always below that at which the foreign goods could be profitably brought into the country, and controls the market. In either event, there is an increase of price of the products sought to be protected. The bald proposition therefore is that American industries can and ought to be protected by increasing the prices of the products of such industries.

There are three popular opinions, industriously cultivated and strengthened by adroit advocates, upon which the whole system rests, and to which appeals are ever confidently made. These opinions are erroneous, and lead to false conclusions, and should be first considered in every discussion of this question.

The first is, that the balance of trade is in our favor when our exportations exceed our importations. Upon this theory it is argued that it cannot be unwise to put restrictions upon importations, for they say that at one and the same time you give protection to our industries and keep the balance of trade in our favor. But the slightest investigation will show that this proposition cannot be maintained. A single illustration, often repeated, but never old in this discussion, will demonstrate it. Let a ship set sail from Portland, Maine, with a cargo of staves

registered at the port of departure as worth \$5,000. They are carried to the West India Islands, where staves are in demand, and exchanged for sugar or molasses. The ship returns, and after duty paid the owner sells his sugar and molasses at a profit of \$5,000. Here more has been imported than exported. Upon this transaction the protectionist would say that the balance of trade was against us \$5,000; the free trader says that the sum represents the profit to the shipper upon his traffic, and the true balance in our favor.

Suppose that after it has set sail the vessel with its cargo had been lost. In such case five thousand dollars' worth of goods would have been exported, with no importation against it. The exportation has exceeded the importation that sum. Is not the balance of trade, according to the protection theory, to that amount in our favor? Then let the protectionist turn pirate and scuttle and sink all the vessels laden with our exports, and soon the balance of trade in our favor will be large enough to satisfy even most advocates of the American protective system. The true theory is that in commerce the overplus of the importation above the exportation represents the profit accruing to the coun-

try. This overplus, deducting the expenses, is real wealth added to the land. Push the two theories to their last position and the true one will be clearly seen. Export every thing, import nothing, though the balance of trade may be said to be overwhelmingly in our favor, there is poverty, scarcity, death. Import every thing, export nothing, we then will have in addition to our own all the wealth of the world in our possession.

Secondly, it is said that a nation should be independent of foreign nations, lest in time of war it might find itself helpless or defenceless. Free trade, it is charged, makes a people dependent upon foreigners. But traffic is exchange. Foreign products do not come into a country unless domestic products go out. This dependence, therefore, is mutual. By trade with foreign nations they are as dependent upon us as we upon them, and in the event of a disturbance of peace the nation with which we would be at war would lose just as much as we would lose, and both as to the war would in that regard stand upon terms of equality. It must not be forgotten that the obstruction of trade between nations is one of the greatest occasions of war. It frequently

gives rise to misunderstandings which result in serious conflicts. By removing these obstacles and making trade as free as possible, nations are brought closer together, the interests of their people become intermingled, business associations are formed between them, which go far to keep down national dispute, and prevent the wars in which the dependent nation is said to be so helpless. Japan and China have for centuries practised the protective theory of independence of foreigners, and yet, in a war with other nations, they would be the most helpless people in the world. That nation is the most independent which knows most of, and trades most with, the world, and by such knowledge and trade is able to avail itself of the products of the skill, intellect, and genius of all the nations of the earth.

A third erroneous impression sought to be made upon the public mind is that whatever increases the amount of labor in a country is a benefit to it. Protection, it is argued, will increase the amount of labor, and therefore will increase a country's prosperity. The error in this proposition lies in mistaking the true nature of labor. It regards it as the end, not as the means to an end. Men do not labor merely

for the sake of labor, but that out of its products they may derive support and comfort for themselves and those dependent upon them. The result, therefore, does not depend upon the amount of labor done, but upon the value of the product. That country, therefore, is the most prosperous which enables the laborer to obtain the greatest possible value for the product of his toil, not that which imposes the greatest labor upon him. If this were not the case men were better off before the appliances of steam as motive power were discovered, or railroads were built, or the telegraph was invented. The man who invents a labor-saving machine is a public enemy; and he would be a public benefactor who would restore the good old times when the farmer never had a leisure day, and the sun never set on the toil of the mechanic. No, Mr. Chairman, it is the desire of every laborer to get the maximum of result from the minimum of effort. That system, therefore, can be of no advantage to him which, while it gives him employment, robs him of its fruits. This, it will be seen, protection does, while free trade, giving him unrestricted control of the product of his labor, enables him to get the fullest value for it in markets of his own selection.

The protectionist, relying upon the propositions I have thus hurriedly discussed, urges many specious reasons for his system, to a few of which only do I intend to call attention to-day.

In the first place, it is urged that protection will develop the resources of a country, which without it would remain undeveloped. Of course this, to be of advantage to a country, must be a general aggregate increase of development, for if it be an increase of some resources as a result of diminution in others, the people as a whole can be no better off after protection than before. But the general resources cannot be increased by a tariff. There can only be such an increase by an addition to the disposable capital of the country to be applied to the development of resources. But legislation cannot make this. If it could it would only be necessary to enact laws indefinitely to increase capital indefinitely. But, if any legislation could accomplish this, it would not be protective legislation. As already shown, the theory of protection is to make prices higher, in order to make business profitable. This necessarily increases the expense of production, which keeps foreign capital away, because it can be em-

ployed in the protected industries more profitably elsewhere. The domestic capital, therefore, must be relied upon for the proposed development. As legislation cannot increase that capital, if it be tempted by the higher prices to the business protected, it must be taken from some other business or investment. If there are more workers in factories there will be fewer artisans. If there are more workers in shops there will be fewer farmers. If there are more in the towns there will be fewer in the country. The only effect of protection, therefore, in this point of view, can be to take capital from some employment to put it into another, that the aggregate disposable capital cannot be increased, nor the aggregate development of the resources of a country be greater with a tariff than without.

But, secondly, it is said that protection increases the number of industries, thereby diversifying labor and making a variety in the occupations of a people who otherwise might be confined to a single branch of employment. This argument proceeds upon the assumption that there would be no diversification of labor without protection. In other words, it is assumed that but for protection our people would devote themselves to agriculture. This, how-

ever, is not true. Even if a community were purely agricultural, the necessities of the situation would make diversification of industry. There must be blacksmiths, and shoemakers, and millers, and merchants, and carpenters, and other artisans. To each one of these employments, as population increases, more and more will devote themselves, and with each year new demands will spring up, which will create new industries to supply them. I was born in the midst of a splendid farming country. The business of nine tenths of the people of my native county was farming. My intelligent boyhood was spent there from 1850 to 1860, when there was no tariff for protection. There were thriving towns for the general trading. There were woollen mills and operatives. There were flouring mills and millers. There were iron foundries and their employés. There were artisans of every description. There were grocers and merchants, with every variety of goods and wares for sale; there were banks and bankers; there was all the diversification of industry that a thriving, industrious, and intelligent community required; not established by protection nor by government aid, but growing naturally out of the wants and necessities of

the people. Such a diversification is always healthful, because it is natural, and will continue so long as the people are industrious and thrifty. The diversification which protection makes is forced and artificial. Suppose protection had come to my native county to further diversify industries. It would have begun by giving higher prices to some industry already established, or profits greater than the average rate to some new industry which it would have started. This would have disturbed the natural order. It would necessarily have embarrassed some interests to help the protected ones. The loss in the most favorable view would have been equal to the gain, and besides trade would inevitably have been annoyed by the obstruction of its natural channels.

The worst feature of this kind of diversified industry is that the protected ones never willingly give up the government aid. They scare at competition as a child at a ghost. As soon as the markets seem against them, they rush to Congress for further help. They are never content with the protection they have; they are always eager for more. In this dependence upon the government bounty the persons protected learn to distrust themselves; and pro-

tection therefore inevitably destroys that manly, sturdy spirit of individuality and independence which should characterize the successful American business man.

Thirdly, it is said that protection gives increased employment to labor and enhances the wages of workingmen. For a long time no position was more strenuously insisted upon by the advocates of the protective system than that the wages of labor would be increased under it. At this point in the discussion I shall only undertake to show that it is impossible that protection should produce this result. What determines the amount of wages paid? Some maintain that it is the amount of the wage fund existing at the time that the labor is done. Under this theory it is claimed that, at any given time, there is a certain amount of capital to be applied to the payment of wages, as certain and fixed as though its amount had been determined in advance. Others maintain that the amount of wages is fixed by what the laborer makes, or, in other words, by the product of his work, and that, therefore, his wage is determined by the efficiency of his labor alone. Both these views are partly true. The wages of the laborer are undoubtedly de-

terminated by the efficiency of his work, but the aggregate amount paid for labor cannot exceed the amount properly chargeable to the wage fund without in a little time diminishing the profits of production and ultimately the quantity of labor employed.³

But, whichever theory be true, it is clear that protection can add nothing to the amount of wages. It cannot increase the amount of capital applicable to the payment of wages, unless it can be shown that the aggregate capital of a country can be increased by legislation; nor can it add to the efficiency of labor, for that depends upon individual effort exclusively. A man who makes little in a day now may in a year make much more in the same time; his labor has become more efficient. Whether this shall be done depends on the taste, temperament, application, aptitude, and skill of the individual. No one will pretend that protection can increase the aggregate of these qualities in the labor of the country. The result is that it is impossible for protection, either by adding to the wage fund or by increasing the efficiency of labor, to enhance the wages of laboring men, a theory which I shall shortly show is incontrovertibly established by the facts.

I will now, Mr. Chairman, briefly present a few of the principal objections to a tariff for protection. As has been shown, the basis of protection is an increase in the price of the protected products. Who pays this increased price? I shall not stop now to consider the argument often urged that it is paid by the foreign producer, because it can be easily shown to the contrary by every one's experience. I shall for this argument assume it as demonstrated that the increase of price which protection makes is paid by the consumer. This suggests the first great objection to protection, that it compels the consumer to pay more for goods than they are really worth, ostensibly to help the business of a producer. Now consumers constitute the vast majority of the people. The producers of protected articles are few in comparison with them. It is true that most men are both producers and consumers. But, for the great majority, there is little or no protection for what they produce, but large protection for what they consume. The tariff is principally levied upon woollen goods, lumber, furniture, stoves and other manufactured articles of iron, and upon sugar and salt. The necessities of life are weighted with the burden. It is

out of the necessities of the people, therefore, that the money is realized to support the protective system. I say, Mr. Chairman, that it is beyond the sphere of true governmental power to tax one man to help the business of another. It is, by power, taking money from one to give it to another. This is robbery, nothing more nor less. When a man earns a dollar it is his own; and no power of reasoning can justify the legislative power in taking it from him except for the uses of the government.

Yet, Mr. Chairman, the present tariff takes hundreds of millions of dollars every year from the farmer, the laborer, and other consumers, under the claim of enriching the manufacturer. It may not be much for each one to contribute, yet in the aggregate it is an enormous sum. For many, too, it is very much. The statistics will show that every head of a family who receives four hundred dollars a year in wages pays at least one hundred dollars on account of protection. Put such a tax on all incomes and the country would be in a ferment of excitement until it was removed. But it is upon the poor and lowly that the tax is placed, and their voices are not often heard in shaping the policies of tariff legislation. I repeat, the product

of one's labor is his own. It is his highest right, subject only to the necessities of the government, to do with it as he pleases. Protection invades, destroys that right. It ought to be destroyed, until every American freeman can spend his money where it will be of the most service to him.

To illustrate the cost of protection to the consumer, consider its operation in increasing the price of two or three of the leading articles protected. Take paper for example. The duty on that commodity is twenty per cent. *ad valorem*. Most of the articles which enter into its manufacture or are required in the process of making it are increased in price by protection. The result is that the price of paper to the consumer is increased nearly fifteen per cent.; that is, if the tariff were taken off paper and the articles used in its manufacture, paper would be fifteen per cent. cheaper to the buyer. The paper-mills for five years have produced nearly one hundred millions of dollars' worth of paper a year. The consumers have been compelled to pay fifteen millions a year to the manufacturer more than the paper could have been bought for without the tariff. In five years this has amounted to \$75,000,000, an im-

mense sum paid to protection. It is a tax upon books and newspapers; it is a tax upon intelligence; it is a premium upon ignorance. So heavy had the burden of this tax become that every newspaper man in the district I have the honor to represent has appealed to Congress to take the duty off. The government has derived little revenue from the paper duty. It has gone almost entirely to the manufacturer, who himself has not been benefited as anticipated, as will presently be seen. These burdens have been imposed to protect the paper manufacturer against the foreigner, in face of the confident prediction made by one of the most experienced paper men in the country, that if all protection were taken off paper and the material used in its manufacture, the manufacturer would be able to successfully compete with the foreigner in nearly every desirable market in the world.

Take blankets also for example. The tariff on coarse blankets is nearly one hundred per cent. ad valorem. They can be bought in most of the markets of the world for two dollars a pair. Yet our poor, who use the most of that grade of blankets, are compelled to pay about four dollars a pair. The government derives little revenue from it, as the importation of

these blankets for years has been trifling. This tax has been a heavy burden upon the poor during this severe winter, a tax running into the millions to support protection. Heaven save a country from a system which begrudges to the shivering poor the blankets to make them comfortable in the winter and the cold!

Secondly, protection has diminished the income of the laborer from his wages. The first factor in the ascertainment of the value of wages is their purchasing power, or how much can be bought with them. If in one country the wages are five dollars a day and in another only one dollar, if the laborer can in the one country with the one dollar, purchase more of the necessary articles required in daily consumption, he, in fact, is better paid than the former in the other who gets five dollars a day. Admit for a moment that protection raises the wages of the laborer, it also raises the price of nearly all the necessaries of life, and what he makes in wages he more than loses in the increase of prices of what he is obliged to buy. As already stated, a head of a family who earns \$400 per year is compelled to pay \$100 more for what he needs, on account of protection. What difference is it to him whether the \$100 are taken

out of his wages before they are paid, or taken from him afterward in the increased price of articles he cannot get along without? In both cases he really receives only \$300 for his year's labor. The statistics show that the average increased cost of twelve articles most required in daily consumption in 1874 over 1860 was ninety-two per cent., while the average increase of wages of eight artisans, cabinet-makers, coopers, carpenters, painters, shoemakers, tailors, tanners, and tinsmiths, was only sixty per cent., demonstrating that the purchasing power of labor had under protection in thirteen years depreciated 19.5 per cent. But protection has not even raised the nominal wages in most of the unprotected industries. I find that the wages of the farm hand, the day laborer, and the ordinary artisan are in most places now no higher than they were in 1860.

But it is confidently asserted that the wages of laborers in the protected industries are higher because of protection. Admit it. I have not the figures for 1880, but in 1870 there were not 500,000 of them; but of the laborers in other industries there were 12,000,000, exclusive of those in agriculture, who were 6,000,000 more. Why should the wages of the half million be

increased beyond their natural rate, while those of the others remain unchanged? More—why should the wages of the 18,000,000 be diminished that those of the half million may be increased? For an increase cannot be made in the wage rate of one class without a proportionate decrease in that of others. But the wages of labor in protected industries are not permanently increased by protection. Another very important factor in ascertaining the value of wages is the continuance or the steadiness of the employment. Two dollars a day for half the year is no more than a dollar a day for the whole year. Employment in most protected industries is spasmodic. In the leading industries for the past ten years employment has not averaged more than three fourths of the time, and not at very high wages. Within the last year manufacturers of silk, carpets, nails and many other articles of iron, of various kinds of glassware and furniture, and coal producers have shut down their works for a part of the time, or reduced the hours of labor. Production has been too great. To stop this and prevent the reduction of profits through increasing competition, the first thing done is to diminish the production, thus turning employés out of

employment. Wages are diminished or stopped until times are flush again. With the time estimated in which the laborers are not at work, the average rate of wages for the ten years preceding 1880 did not equal the wages in similar industries for the ten years preceding 1860 under a revenue tariff. Indeed, in many branches the wages have not been so high as those received by the pauper labor, so-called, in Europe. But it is manifest that the wages in these industries cannot for any long period be higher than the average rate in the community, for, if the wages be higher, labor will crowd into the employments thus favored until the rate is brought down to the general level. So true is this, that it is admitted by many protectionists that wages are not higher in the protected industries than in others. * * *

Thirdly, the effect of protection is disastrous to most of the protected industries themselves. We have seen that many of them have in recent years been compelled to diminish production. The cause of this is manifest. Production confines them to the American market. The high prices they are compelled to pay for protected materials which enter into the manufacture of their products disable them from

going into the foreign market. The profits which they make under the first impulse of protection invite others into the same business. As a result, therefore, more goods are made than the American market can consume. Prices go down to some extent through the competition, but rarely under the cost of production, increased, as we have seen, by the enhanced price of material required. The losses threatened by such competition are sought to be averted by the diminution of production. Combinations of those interested are formed to stop work or reduce it until the stock on hand has been consumed. Production then begins again and continues until the same necessity calls again for the same remedy. But this remedy is arbitrary, capricious, and unsatisfactory. Some will not enter into the combination at all. Others will secretly violate the agreement from the beginning. Others still, when their surplus stock has been sold, and before the general price has risen, will begin to manufacture again. There is no power to enforce any bargain they have made, and they find the plan only imperfectly curing the difficulty. They remain uncertain what to do, embarrassed and doubtful as to the future. They have through protec-

tion violated the natural laws of supply and demand, and human regulations are powerless to relieve them from the penalty.

Take, as an illustration of the operation of the system, the article of paper. One of the first effects of the general tariff was to increase the price of nearly every thing the manufacturer required to make the paper. Fifteen millions of dollars a year through the protection are taken from the consumer. The manufacturer himself is able to retain but a small part of it, as he is obliged to pay to some other protected industry for its products, they in turn to some others who furnished them with protected articles for their use, and so on to the end. The result is that nominal prices are raised all around ; the consumers pay the fifteen millions, while nobody receives any substantial benefit, because what one makes in the increased price of his product he loses in the increased price he is obliged to pay for the required products of others. The consumer is the loser, and though competition may occasionally reduce prices for him to a reasonable rate, it never to any appreciable extent compensates him for the losses he sustains through the enhanced price which the protective system inevitably causes.

It is not to be disputed that many of the protected manufacturers have grown rich. In very many cases I think it can be demonstrated that their wealth has resulted from some patent which has given them a monopoly in particular branches of manufacturing, or from some other advantage which they have employed exclusively in their business. In such cases they would have prospered without protection as with it. I think there are few, except in the very inception of a manufacturing enterprise, or in abnormal cases growing out of war or destruction of property, or the combinations of large amounts of capital, where protection alone has enriched men. The result is the robbery of the consumer with no ultimate good to most of the protective industries.

At a meeting of the textile manufacturers in Philadelphia the other day, one of the leading men in that interest said: "The fact is that the textile manufacturers of Philadelphia, the centre of the American trade, are fast approaching a crisis, and realize that something must be done, and that soon. Cotton and woollen mills are fast springing up over the South and West, and the prospects are that we will soon lose much of our trade in the coarse fabrics by rea-

son of cheap competition. The only thing we can do, therefore, is to turn our attention to the higher plane, and endeavor to make goods equal to those imported. We cannot do this now, because we have not a sufficient supply either of the culture which begets designs, or of the skill which manipulates the fibres."

What a commentary this upon protection, which has brought to such a crisis one of the chief industries protected, and which is here confessed to have failed, after twenty years, to enable it to compete even in our own markets with foreign goods of the finer quality! What is true of textile manufacturing is also true of many other industries. What remedy, then, will afford the American manufacturer relief? Not the one here suggested of increasing the manufacture of goods of finer quality, for, aside from the impracticability of the plan, this will only aggravate the difficulty by adding to the aggregate stock in the home market. * * * The American demand cannot consume what they produce. They must therefore enlarge their market or stop production. To adopt the latter course is to invite ruin. The market cannot be increased in this country. It must be found in other countries. Foreign markets

must be sought. But these cannot be opened as long as we close our markets to their products, with which alone, in most instances, they can buy ; in other words, as long as we continue the protective system.

I say, therefore, to the American manufacturer, sooner or later you must choose between the alternatives of ruin or the abandonment of protection. Why hesitate in the decision ? Are not Canada and South America and Mexico your natural markets ? England now supplies them with almost all the foreign goods they buy. Why should not you ? Your coal and iron lie together in the mountain side, and can almost be dropped without carriage into your furnaces ; while in England the miners must go thousands of feet under the earth for those products. * * * The situation is yours. Break down your protective barrier. All the world will soon do the same. Their walls will disappear when ours fall. Open every market of the world to your products ; give steady employment to your laborers. In a little while you will have the reward which nature always gives to those who obey her laws, and will escape the ruin which many of your most intelligent operators see impending over your industries.

I have not time to-day to more than refer to the ruinous effect of protection upon our carrying trade. In 1856, seventy-five per cent. of the total value of our imports and exports was carried in American vessels; while in 1879 but seventeen per cent. was carried in such vessels, and in 1880 the proportion was still less. In 1855, 381 ships and barks were built in the United States, while in 1879 there were only 37. It is a question of very few years at this rate until American vessels and the American flag will disappear from the high seas. Protection has more than all else to do with the prostration of this trade. It accomplishes this result (1) by enhancing the price of the materials which enter into the construction of vessels, so that our ship-builders cannot compete with foreigners engaged in the same business; (2) by increasing the cost of domestic production so that American manufactured goods cannot profitably be exported; and (3) by disabling our merchants from bringing back on their return trips foreign cargoes in exchange for our products.

Nor will I say any thing as to the increase of the crime of smuggling under protection, a crime which has done incalculable harm to

honest dealers, particularly on the border, and a crime out of which some of the largest fortunes in the country have been made.

There are many who will admit the abstract justice of much that I have said who profess to believe that it will not do to disturb the tariff now. But for the protectionist that time never comes. When the depression in business was universal, they said you must not disturb the tariff now, because the times are so hard and there is so much suffering. Now, when business has improved, they say you must not interfere with the tariff, because times are good and you may bring suffering again. When the present tariff was first levied it was defended as a temporary expedient only, required as a necessity by war. Now that a quarter of a century nearly has passed by and peace has been restored for fifteen years, the advocates for protection are as determined to hold on to the government bounty as ever. If they are to be consulted upon the subject as to when the people shall have relief, the system will be perpetual.

It is said we must not disturb the tariff because we must raise so much revenue. I do not propose to disturb it to diminish revenue, but to increase it. The plan I propose will add one

fifth at least to the revenue of the country. It is protection I propose to get rid of, not revenue. It has been well said that revenue ceases where protection begins.

It is claimed that by taking away protection you will embarrass many industries by compelling them to close up and discharge their employés. I do not believe that the changing of the present tariff to a revenue tariff will produce this result. I believe that at once every manufacturer will make more in the diminished cost of production than he will lose in the taking away of protection. But if there should be danger to any industry I would provide against it in the law which changes the tariff so that if there should be any displacement of labor there will be no loss in consequence.

No more perfect illustration of the effect of free trade has been shown than in the history of the United States. Very much of our prosperity is due to the fact that the productions of each State can be sold in every other State without restriction. During the war the most potent argument for the cause of the Union was found in the apprehension that disunion meant restriction of commerce, and particularly the placing of the mouth of the Mississippi River

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under foreign control. The war was fought, therefore, to maintain free trade, and the victory was the triumph of free trade. The Union every day exhibits the advantages of the system.

Are these due to the accident of a State being a member of that Union or to the beneficent principle of the system itself? What would prevent similar results following if, subject only to the necessities of government, it were extended to Mexico, to Canada, to South America, to the world? In such extension the United States have every thing to gain, nothing to lose. This country would soon become the supply house of the world. We will soon have cattle and harvests enough for all nations. Our cotton is everywhere in demand. It is again king. Its crown has been restored, and in all the markets of the world it waves its royal sceptre. Out of our coal and minerals can be manufactured every thing which human ingenuity can devise. Our gold and silver mines will supply the greater part of the precious metals for the use of the arts and trade.

With the opportunity of unrestricted exchange of these products, how limitless the horizon of our possibilities! Let American adventurousness and genius be free upon the

high seas, to go wherever they please and bring back whatever they please, and the oceans will swarm with American sails, and the land will laugh with the plenty within its borders. The trade of Tyre and Sidon, the far extending commerce of the Venetian republic, the wealth-producing traffic of the Netherlands, will be as dreams in contrast with the stupendous reality which American enterprise will develop in our own generation. Through the humanizing influence of the trade thus encouraged, I see nations become the friends of nations, and the causes of war disappear. I see the influence of the great republic in the amelioration of the condition of the poor and the oppressed in every land, and in the moderation of the arbitrariness of power. Upon the wings of free trade will be carried the seeds of free government, to be scattered everywhere to grow and ripen into harvests of free peoples in every nation under the sun.

IX.

FINANCE AND CIVIL SERVICE
REFORM.

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FINANCE AND CIVIL SERVICE REFORM.

WITH the election of 1876 and the inauguration of President Hayes, March 4, 1877, the Period of Reconstruction may be said to have closed. The last formal act of that period was the withdrawal of the national troops from the South by President Hayes soon after his inauguration. During the last two decades the "Southern Question," while it has been occasionally prominent in political discussions,—especially in connection with the Lodge Federal Elections Bill, 1889-91, has, nevertheless, occupied a subordinate place in public interest and attention. As an issue in serious political discussions and party divisions the question has disappeared.

In addition to the subject of the Tariff, con-

sidered in the previous section, public attention has been directed chiefly, during the last quarter of a century, to the two great subjects, Finance and Civil Service Reform.

The Financial question has been like that of the Tariff,—it has been almost a constant factor in political controversies since the organization of the Government.

The financial measures of Hamilton were the chief subject of political controversy under our first administration, and they formed the basis of division for the first political parties under the Constitution. The funding of the Revolutionary debt, its payment dollar for dollar without discrimination between the holders of the public securities, the assumption of the State debts by the National Government, and the establishment of the First United States Bank, these measures of Hamilton were all stoutly combated by his opponents, but they were all carried to a successful conclusion. It was the discussion on the establishment of the First United States Bank that brought from

Hamilton and Jefferson their differing constructions of the Constitution. In his argument to Washington in favor of the Bank, Hamilton presented his famous theory of implied powers, while Jefferson contended that the Constitution should be strictly construed, and that the "sweeping clause"—"words subsidiary to limited powers"—should not be so construed as to give unlimited powers. Madison and Giles in the House presented notable arguments in support of the Jeffersonian view. For twenty years after 1791 our financial questions were chiefly questions of administration, not of legislation. In 1811 the attempt to recharter the First United States Bank was defeated in the Senate by the casting vote of Vice-President Clinton. The financial embarrassments of the war of 1812, however, led to the establishment, in 1816, of the second United States Bank,—by a law very similar in its provisions to the act creating the First Bank in 1791. The bill chartering the Second United States Bank was signed by Madison, who had strenuously op-

posed the charter of the First Bank. The financial difficulties in which the war had involved his administration had convinced Madison that such an institution as the Bank was a "necessary and proper" means of carrying on the fiscal affairs of the Government. The Second Bank was, however, opposed on constitutional grounds, as the First had been; but in 1819 in the famous case of *McCulloch vs. Maryland*, the Supreme Court sustained its constitutionality, Chief-Justice Marshall rendering the decision. The Court held, in this notable decision, that the Federal Government was a government of limited powers, and these powers are not to be transcended; but wherein a power is specifically conferred Congress might exercise a sovereign and unlimited discretion as to the means necessary in carrying that power into operation.

The next important chapter in our financial history is the war upon the Second United States Bank begun and conducted to a finish by President Jackson. A bill rechartering the Bank

was passed by Congress in 1832, four years before its charter expired. Jackson vetoed this bill, chiefly on constitutional grounds, in the face of Marshall's decision of 1819. The political literature of Jackson's two administrations is full of the Bank controversy, and this literature contains contributions from Webster, Clay, Calhoun, Benton, and other of the ablest public men of the day. No subject of public discussion in that day more completely absorbed the attention of the people.

On these important subjects, which engaged public attention during the first half-century of our national history, there may be found many valuable speeches. These, however, are largely of a Constitutional character. It has been since the opening of our civil war that our financial discussions have assumed their greatest interest and importance. We can attempt here only a meagre outline of the financial history of the last thirty years,—a history which suggests an almost continuous financial struggle and debate.

Leaving on one side the questions of taxation and banking, the financial discussion has presented itself under two aspects,—the issue and redemption of Government paper currency, and the Government policy toward silver coinage. The issue, the funding, and the payment of Government bonds have been incidentally connected with these questions.

The first “legal-tender” Act was approved February 25, 1862. Mr. Blaine says of this Act that it was “the most momentous financial step ever taken by Congress,” and it was a step concerning which there has ever since been the most pronounced difference of opinion. The Act provided for the issue of \$150,000,000 non-interest-bearing notes, payable to bearer, in denominations of not less than \$5, and legal tender in payment of all debts, public and private, except duties on imports and interest on the public debt. These notes were made exchangeable for 6 per cent. bonds and receivable for loans that might thereafter be made by the Government. Supplementary acts of July

ii, 1862, and January 17, 1863, authorized additional issues of \$150,000,000 each, in denominations of not less than one dollar, and the time in which to exchange the notes for bonds was limited to July 1, 1863. It was under these Acts that the legal-tender notes known as "greenbacks," now outstanding, were issued.

The retirement of the greenbacks was begun soon after the war. On April 12, 1866, an Act authorized the Secretary of the Treasury to retire and cancel not more than \$10,000,000 of these notes within six months of the passage of the Act, and \$4,000,000 per month thereafter. This policy of contraction was carried out by Secretary McCulloch, who urged still more rapid contraction; but the policy was resisted by a large influence in the country, and on February 4, 1868, an Act of Congress suspending the authority of the Secretary of the Treasury to retire and cancel United States notes, became a law without the signature of the President.

On March 18, 1869, an "Act to strengthen

the public credit " was passed, which declared that the "greenbacks" were redeemable in coin. This Act concluded as follows: "And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."

On January 14, 1875, the "Resumption Act" was passed. It declared that "on and after January 1, 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the Assistant Treasurer of the United States in the city of New York, in sums of not less than fifty dollars." The same Act provided that while the legal-tender notes outstanding remained in excess of \$300,000,000, the Secretary of the Treasury should redeem such notes to the amount of 80 per cent. of the increase in National Bank notes issued.

On May 31, 1878, an Act was passed forbidding the further retirement of United States

legal-tender notes, and providing that "when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, cancelled, or destroyed, but they shall be re-issued and paid out again and kept in circulation." When this Act was passed there were \$346,681,016 of United States notes outstanding, and there has been no change in the amount since.¹

As to the silver policy of the Government since the war it is expected that the purport of certain important acts of legislation should be understood by all who would have an intelligent conception of our financial controversies.

The Act of February 12, 1873, suspended the coinage of the standard silver dollar of 412½ grains. This Act authorized the coinage of the trade dollar of 420 grains, making it a legal

¹ Use has been made of a brief summary of our financial laws entitled "Gold, Silver, and Paper Money," issued by the Fourth National Bank, of New York, J. Edward Simmons, President.

tender for \$5. This is the Act which has been called the "crime of 1873," on which tomes of controversy have been called forth. It is discussed at some length in the speech of Mr. Morrill, found in our text.

On February 28, 1878, the Bland-Allison Act was passed over the veto of President Hayes. A bill providing for the free and unlimited coinage of silver, of 412½ grains to the dollar, had passed the House in November, 1877, under a suspension of the rules. At this time the bullion in the silver dollar was worth about 92 cents. When the Bland free-coinage Act came to the Senate, it was amended there on report of Senator Allison, of Iowa, Chairman of the Finance Committee of the Senate, by a provision that the Government should purchase from \$2,000,000 to \$4,000,000 worth of silver bullion for coinage into dollars. Holders of the coin were authorized to deposit the same with the United States Treasurer and to receive therefor certificates of deposit, known as silver certificates. These certificates are not legal tender,

although receivable for customs, taxes, and all public dues, and are redeemable only in silver. This Act called forth an exhaustive and able debate. Senator Morrill, of Vermont, opened the debate in opposition to silver coinage. Senator Beck, of Kentucky, was one of the ablest advocates of silver coinage, while Mr. Blaine made a notable contribution to the debate, in which he favored the unlimited coinage of a silver dollar of 425 grains. Preceding the Congressional action there had been much public discussion on the subject throughout the country. A Monetary Commission had been organized, by joint resolution of August 15, 1875, for the purpose of making an examination into the silver question. This Commission made an exhaustive report to Congress on March 2, 1877, the majority of the Commission recommending the resumption of silver coinage. Also, previous to the discussion of the Bland-Allison Act in the Senate, the celebrated Matthews Resolution was passed by that body. This asserted that "all bonds of the United States are

payable in silver dollars of $412\frac{1}{2}$ grains, and that to restore such dollars as a full legal tender for that purpose, is not in violation of public faith or the rights of the creditors." The debate on this resolution was a notable one. It was chiefly under these aspects that the financial question was discussed in the years 1877-1878.

The Bland-Allison Act was in operation from 1878 to 1890, during which time \$2,000,000 in silver were coined per month, the minimum amount authorized by law. On July 14, 1890, the so-called Sherman Act stopped the coinage of silver dollars and provided for the purchase of silver bullion to the amount of 4,500,000 ounces per month. Against this bullion Treasury notes were to be issued, redeemable in gold or silver coin at the option of the Secretary of the Treasury. These notes were made a legal tender in payment of all debts, public and private, and receivable for all customs, taxes, and all public dues. It was also declared in this Act to be "the established policy of the United

States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law." On account of this language in the law the Secretary of the Treasury under Mr. Cleveland has not deemed it advisable to exercise the discretion which the law gives him to redeem these notes in silver, and these new Treasury notes have been treated as gold obligations. By November 1, 1893, when the silver purchase clause of the Act of July 14, 1890, was repealed, Treasury notes to the amount of \$155,000,000 had been issued, though some of these have since been exchanged for silver dollars at the option of the holders. It has been by these Treasury notes and the outstanding greenbacks that gold has been withdrawn from the Treasury, thus depleting the gold reserve and making bond issues necessary. It has been deemed advisable by successive administrations of the Treasury Department to maintain a gold reserve of \$100,000,000 against the \$346,681,000 outstanding greenbacks, though no law requires

that such a reserve should be maintained further than that the Act of March 18, 1869, pledges the faith of the United States that its outstanding notes should be redeemed in coin.

The repeal of the silver purchase clause of the Sherman Act was accomplished in a special session of Congress, November 1, 1893. Since this repeal, the silver policy of the Government has been as it was before the Bland-Allison Act of 1878, which involves a complete suspension of silver coinage. The Acts of 1878 and of 1890 were compromise measures, agreed to by the opponents of silver coinage in order to prevent the passage of a bill providing for full unlimited coinage of silver at the ratio of 16 to 1. Speaking in his *Recollections* of the situation in 1890, Senator Sherman says: "The situation at that time was critical. A large majority of the Senate favored free silver, and it was feared that the small majority against it in the other House might yield and agree to it. The silence of the President on the matter gave rise to an apprehension that if a free coin-

age bill should pass both Houses he would not feel at liberty to veto it. Some action had to be taken to prevent a return to free silver coinage, and the measure evolved was the best obtainable. I voted for it, but the day it became a law I was ready to repeal it, if repeal could be had without substituting in its place absolute free coinage."

Since 1893 the contention has been carried on by the silver men in a public agitation in favor of free silver coinage, without compromise or international agreement, and this year (1896), by our form of political referendum, the question has been referred to the people for decision.

We have attempted to include four representative orations on this complex subject, from four of our most prominent public men. The literature of the subject is unlimited. Mr. Morrill is a representative advocate of the gold standard. In the same discussion Mr. Blaine offers a compromise position. Senator Sherman is an international bimetallist and a pro-

nounced opponent of independent silver coinage. He has given much attention—probably no one has given more—to financial questions during a long public life. Senator Jones is recognized as one of the ablest advocates and one of the deepest students of monetary problems on the free silver side of the controversy. The extracts from these speeches will indicate the merits of the long debate on silver coinage,—the greatest question in our financial history in a quarter of a century.

The reform of the Civil Service has been a subject of public attention especially since 1867. The public service of the United States is divided into three branches, the civil, military, and naval. By the civil service we mean that which is neither military nor naval, and it comprises all the offices by which the civil administration is carried on. The struggle for Civil Service Reform has been an effort to substitute what is known as the “ Merit System ” for what is known as the “ Spoils System ”;

to require that appointment to public office should depend, not upon the applicant's having rendered a party service, but upon his fitness to render a public service. It would seem that the establishment in public practice of so obvious a principle should require no contest or agitation; and that the civil service should ever have been perverted and that a long struggle should be necessary to reform it, are to be explained only in connection with a modern party organization and a party machinery and usage which were entirely unforeseen by the framers of the Constitution. The practice of the early administrations was reasonable and natural. Washington required of applicants for places in the civil service proofs of ability, integrity, and fitness. "Beyond this," he said, "nothing with me is necessary or will be of any avail." Washington did not dream that party service should be considered as a reason for a public appointment. John Adams followed the example of Washington. Jefferson came into power at the head of a victorious party which

had displaced its opponent after a bitter struggle. The pressure for places was strong, but Jefferson resisted it, and he declared in a famous utterance that "the only questions concerning a candidate shall be, Is he honest? is he capable? is he faithful to the Constitution?" Madison, Monroe, and John Quincy Adams followed in the same practice so faithfully that a joint Congressional Committee was led to say in 1868 that, having consulted all accessible means of information, they had not learned of a single removal of a subordinate officer except for cause, from the beginning of Washington's administration to the close of that of John Quincy Adams.

The change came in 1829 with the accession of Jackson. The Spoils System was formally proclaimed in 1832. In that year Martin Van Buren was nominated Minister to England, and, in advocating his confirmation, Senator Marcy, of New York, first used the famous phrase in reference to the public officers, "To the victors belong the spoils of the enemy."

Since then every administration has succumbed, in whole or in part, to the Spoils System. The movement for the reform of the civil service began in 1867-68, in the 39th and 40th Congresses in investigations and reports of a Joint Committee on Retrenchment. The reports were made and the movement led by Hon. Thomas A. Jenckes, a member of the House from Rhode Island. These reports contained a mass of valuable information upon the evils of the spoils service. In 1871 an Act, a section of an appropriation bill, was passed authorizing the President to prescribe rules for admission to the civil service, to appoint suitable persons to make inquiries and to establish regulations for the conduct of appointees. Mr. George William Curtis was at the head of the Civil Service Commission appointed by General Grant under this Act, and on December 18, 1871, the Commission made a notable report, written by Mr. Curtis, on the evils of the present system and the need of reform.¹ In

¹ See "Orations of Curtis," vol. ii., p. 31.

April, 1872, a set of rules was promulgated by the Commission regulating appointments. These rules were suspended in March, 1875, by President Grant although personally friendly to the reform, because Congress had refused appropriations for the expenses of the Commission. Appeal was made to the people through the usual agencies of education and agitation. President Hayes revised the Civil Service Rules, and Mr. Schurz, Secretary of the Interior, made notable application of the principle of the reform in his department. President Garfield recognized the need of reform, though he asserted that it could be brought about only through Congressional action. Garfield's assassination by a disappointed placeman added to the public demand for reform, and on January, 18, 1883, the Pendleton Civil Service Law was passed. This Act, which had been pending in the Senate since 1880, provided for open competitive examinations for admission to the public service in Washington and in all custom-houses and

post-offices where the official force numbered as many as fifty; for the appointment of a Civil Service Commission of three members, not more than two of whom shall be of the same political party; and for the apportionment of appointments according to the population of the States. Provision was made for a period of probation before permanent appointment should be made, and no recommendations from a Senator or member of Congress, except as to the character or residence of the applicant, should be received or considered by any person making an appointment or examination. The Act prohibited political assessments in a provision that "no person shall, in any room occupied in the discharge of official duties by an officer or employee of the United States, solicit in any manner whatever any contribution of money or anything of value, for any political purpose whatever."

The Pendleton Act was a landmark in the history of the reform and indicated its certain triumph. The Act was faithfully executed

by President Arthur in the appointment of a Commission friendly to the cause, and under the Act the Civil Service Rules have since been extended by Presidents Harrison and Cleveland until the operations of the reform embrace the greater part of the service, including fully 85,000 appointments. It is not probable that the nation will ever again return to the feudalism of the Spoils System.

No two men have done more for the cause of Civil Service Reform than George William Curtis and Carl Schurz. When Mr. Curtis died, in 1892, the presidency of the Civil Service Reform League, so long held by him, worthily devolved upon Mr. Schurz. It may be said that in the last twenty-five years of Mr. Curtis' life is written the history of this reform. His orations on the subject have enriched our political literature and they hold up before the young men of America the noblest ideals of American citizenship. He gave unselfishly of his time and of his exalted talents to this cause, and his services deserve from his countrymen

the reward due to high and devoted patriotism. Refusing high and honorable appointments which were held out to him, he preferred to serve his country by doing what he could to put her public service upon a worthy plane. The oration from Mr. Curtis included in our text is one among many of his worthy productions.

J. A. W.

JUSTIN S. MORRILL,*

OF VERMONT.¹

(BORN 1810.)

ON THE REMONETIZATION OF SILVER—UNITED
STATES SENATE, JANUARY 28, 1878.²

MR. PRESIDENT, the bill now before the Senate provides for the resuscitation of the obsolete dollar of $412\frac{1}{2}$ grains of silver, which Congress entombed in 1834 by an Act which diminished the weight of gold coins to the extent of 6.6 per cent., and thus bade a long farewell to silver. It is to be a dollar made of metal worth now fifty-three and five-eighths pence per ounce, or ten cents less in value than a gold dollar, and on January 23d, awkwardly enough, worth eight and three-fourths cents less than a dollar in greenbacks, gold being only $1\frac{1}{4}$ per cent. premium, but, nevertheless, to be a legal tender for all debts,

* For notes on Morrill, see Appendix, p. 472.

public and private, except where otherwise provided by contract. The words seem to be aptly chosen to override and annul whatever now may be otherwise provided by law. Beyond this, as the bill came from the House, the holders of silver bullion—not the Government or the whole people—were to have all the profits of coinage and the Government all of the expense. This, but for the amendment proposed by the Committee on Finance, would have furnished the power to the enterprising operators in silver, either at home or abroad, to inflate the currency without limit; and, even as amended, inflation will be secured to the full extent of all the silver which may be issued, for there is no provision for redeeming or retiring a single dollar of paper currency. Labor is threatened with a continuation of the unequal struggle against a depreciated and fluctuating standard of money.

The bill, if it becomes a law, must at the very threshold arrest the resumption of specie payments, for, were the holders of United States notes suddenly willing to exchange them for much less than their present value, payment even in silver is to be postponed indefinitely. For years United States notes have

been slowly climbing upward, but now they are to have a sudden plunge downward, and in every incompleted contract, great and small, the robbery of Peter to pay Paul is to be fore-ordained. The whole measure looks to me like a fearful assault upon the public credit. The losses it will inflict upon the holders of paper money and many others will be large, and if the bill, without further radical amendments, obtains the approval of the Senate, it will give the death-blow to the cardinal policy of the country, which now seeks a large reduction of the rate of interest upon our national debt. Even that portion now held abroad will come back in a stampede to be exchanged for gold at any sacrifice. The ultimate result would be, when the supply for customs shall have been coined and the first effervescence has passed away, the emission of silver far below the standard of gold ; and when the people become tired of it, disgusted or ruined by its instability, as they soon would be, a fresh clamor may be expected for the remonetization of gold, and another clipping or debasing of gold coins may follow to bring them again into circulation on the basis of silver equivalency. In this slippery descent there can be no stop-

ping place. The consoling philosophy of the silver commission may then be repealed, that a fall in the value of either or both of the metals is a "benefaction to mankind." If that were true, then copper, being more abundant and of lower value, should be used in preference to either gold or silver. The gravity of these questions will not be disputed.

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The silver question in its various aspects, as involved in the bill before us, is one of admitted importance, possibly of difficult solution; and it is further embarrassed by not only the conflicting views of those entitled to some respect, but by the multifarious prescriptions intruded by a host of self-constituted experts and by all of the quack financiers of the land. Every crocheteer and pamphleteer, cocksure "there's no two ways about it," generously contributes his advice free of charge; but sound, trustworthy advice does not roam like tramps and seldom comes uninvited. Many of the facts which surround the subject are perhaps of too recent occurrence to justify hasty and irrevocable conclusions. The service of our own people, however, must be our paramount concern. Their intercourse with themselves and with the

world should be placed upon the most solid foundation. If any have silver to sell it is comparatively a small matter, and yet we earnestly desire that they may obtain for it the highest as well as the most stable price ; but not at the expense of corn, cotton, and wheat ; and it is to be hoped, if any have debts to meet now or hereafter, that they may meet them with the least inconvenience consistent with plain, downright, integrity ; but, from being led astray by the loud declamations of those who earn nothing themselves and know no trade but spoliation of the earnings of others, let them heartily say, " Good Lord, deliver us."

* * * * *

A stupid charge, heretofore, in the front of debate, has been made, and wickedly repeated in many places, that the Coinage Act of 1873 was secretly and clandestinely engineered through Congress without proper consideration or knowledge of its contents ; but it is to be noted that this charge had its birth and growth years after the passage of the Act, and not until after the fall of silver. Long ago it was declared by one of the old Greek dramatists that, " No lie ever grows old." This one is as fresh and boneless now as at its birth, and is therefore swal-

lowed with avidity by those to whom such food is nutritious or by those who have no appetite for searching the documents and records for facts. Whether the Act itself was right or wrong does not depend upon the degradation of Congress implied in the original charge. Interested outsiders may glory in libelling Congress, but why should its own members? The Act may be good and Congress bad, and yet it is to be hoped that the latter has not fallen to the level of its traducers. But there has been no fall of Congress; only a fall of silver. To present the abundant evidence showing that few laws were ever more openly proposed, year after year, and squarely understood than the Coinage Act of 1873, will require but a moment. It had been for years elaborately considered and reported upon by the Deputy Comptroller of the Currency. The special attention of Congress was called to the bill and the report by the Secretary of the Treasury in his annual reports for 1870, 1871, and 1872, where the "new features" of the bill, "discontinuing the coinage of the silver dollar," were fully set forth. The extensive correspondence of the Department had been printed in relation to the proposed bill, and widely circulated. The bill was

separately printed eleven times, and twice in reports of the Deputy Comptroller of the Currency,—thirteen times in all,—and so printed by order of Congress. A copy of the printed bill was many times on the table of every Senator, and I now have all of them here before me in large type. It was considered at much length by the appropriate committees of both Houses of Congress; and the debates at different times upon the bill in the Senate filled sixty-six columns of the *Globe*, and in the House seventy-eight columns of the *Globe*. No argus-eyed debater objected by any amendment to the discontinuance of the silver dollar. In substance the bill twice passed each House, and was finally agreed upon and reported by a very able and trustworthy committee of conference, where Mr. Sherman, Mr. Scott, and Mr. Bayard appeared on the part of the Senate. No one who knows anything of those eminent Senators will charge them with doing anything secretly or clandestinely. And yet more capital has been made by the silver propagandists out of this groundless charge than by all of their legitimate arguments.³

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The gold standard, it may confidently be

asserted, is practically far cheaper than that of silver. I do not insist upon having the gold standard, but if we are to have but one, I think that the best. The expense of maintaining a metallic currency is of course greater than that of paper; but it must be borne in mind that a paper currency is only tolerable when convertible at the will of the holder into coin—and no one asks for more than that. A metallic currency is also subject to considerable loss by abrasion or the annual wear; and it is quite important to know which metal—gold or silver—can be most cheaply supported. A careful examination of the subject conclusively shows that the loss is nearly in proportion to the length of time coins have been in circulation, and to the amount of surface exposed, although small coins, being handled with less care, suffer most. The well-ascertained result is that it costs from fifteen to twenty-five times more to keep silver afloat than it does to maintain the same amount in gold. To sustain the silver standard would annually cost about 1 per cent. for abrasion; but that of gold would not exceed one-twentieth of 1 per cent. This is a troublesome charge, forever to bristle up in the pathway of a silver standard. It must also be borne

in mind that the mint cost of coining silver is many times greater than that of the same amount in gold. More than sixteen tons of silver are required as the equivalent of one ton of gold. As a cold matter of fact, silver is neither the best nor the cheapest standard. It is far dearer to plant and forever dearer to maintain.

A double standard put forth by us on the terms now proposed by the commission or by the House bill would be so only in name. The perfect dual ideal of theorists, based upon an exact equilibrium of values, cannot be realized while the intrinsic value of either of the component parts is overrated or remains a debatable question and everywhere more or less open to suspicion. A standard of value linked to the changing fortunes of two metals instead of one, when combined with an existing disjointed and all-pervading confusion in the ratio of value, must necessarily be linked to the hazard of double perturbations and become an alternating standard in perpetual motion.

The bimetallic scheme, with silver predominant—largely everywhere else suspended, if not repudiated—is pressed upon us now with a ratio that will leave nothing in circulation but silver, as a profitable mode of providing a new and

cheaper way of pinching and paying the national debt; but a mode which would leave even a possible cloud upon our national credit should find neither favor nor tolerance among a proud and independent people.

The proposition is openly and squarely made to pay the public debt at our option in whichever metal, gold or silver, happens to be cheapest, and chiefly for the reason that silver already happens to be at 10 per cent. the cheapest. In 1873, to have paid the debt in silver would have cost 3 per cent. more than to have paid it in gold, and then there was no unwillingness on the part of the present non-contents to pay in gold. Silver was worth more then to sell than to pay on debts. No one then pulled out the hair of his head to cure grief for the disappearance of the nominal silver option. Since that time it has been and would be now cheaper nominally to pay in silver if we had it; and therefore we are urged to repudiate our former action and to claim the power to resume an option already once supposed to have been profitably exercised, of which the world was called upon to take notice, and to pay in silver to-day or to let it alone to-morrow. I know that the detestable doctrine of Machiavelli was that

“ a prudent prince ought not to keep his word except when he can do it without injury to himself ; ” but the Bible teaches a different doctrine, and honoreth him “ who sweareth to his own hurt and changeth not. ” If we would not multiply examples of individual financial turpitude, already painfully numerous, we must not trample out conscience and sound morality from the monetary affairs of the nation. The “ option ” about which we should be most solicitous was definitely expressed by Washington when he said : “ There is an option left to the United States whether they will be respectable and prosperous or contemptible and miserable as a nation. ” Our national self-respect would not be increased when Turkey, as a debt-paying nation, shall be held as our equal and Mexico as our superior. The credit of a great nation cannot even be discussed without some loss ; it cannot even be tempted by the devious advantages of legal technicalities without bringing some sense of shame ; but to live, it must go, like chastity, unchallenged and unsuspected. It cannot take refuge behind the fig-leaves of the law, and especially not behind a law yet to be made to meet the case.

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The argument relied upon in favor of a bimetallic standard as against a monometallic seems to be that a single-metal standard leaves out one-half of the world's resources; but the same thing must occur with a bimetallic standard unless the metals can be placed and kept in a state of exact equilibrium, or so that nothing can be gained by the exchange of one for the other. Hitherto this has been an unattainable perfection. A law fixing the ratio of 16 or $15\frac{1}{2}$ of silver to 1 of gold, as proposed by different members of the Commission, would now be a gross over-valuation of silver and wholly exclude gold from circulation. It will hardly be disputed that the two metals cannot circulate together unless they are mutually convertible without profit or loss at the ratio fixed at the mint. But it is here proposed to start silver with a large legal-tender advantage above its market value, and with the probability, through further depreciation, of increasing that advantage by which the monometallic standard of silver will be ordained and confirmed. The argument in behalf of a double standard is double-tongued, when in fact nothing is intended, or can be the outcome, but a single silver standard. The argument would wed

silver and gold, but the conditions which follow amount to a decree of perpetual divorcement. Enforce the measure by legislation, and gold would at once flee out of the country. Like liberty, gold never stays where it is undervalued.

No approach to a bimetallic currency of uniform and fixed value can be possible, as it appears to me, without the co-operation of the leading commercial nations. Even with that co-operation its accomplishment and permanence may not be absolutely certain, unless the late transcendent fickleness of the supply and demand subsides, or unless the ratio of value can be adjusted with more consummate accuracy than has hitherto been found by any single nation to be practicable. One-tenth of 1 per cent. difference will always exclude from use one or the other metal; but here a difference nearly one hundred times greater has been proposed. The double-standard nations and the differing single gold- or silver-standard nations doubtless contributed something to the relative equalization of values so long as they furnished an available market for any surplus of either metal, but this they are doing no longer. Silver, though not yet universally demonetized, is thrown upon the market in such

masses and from so many prolific sources as to be governed by the inexorable laws of demand and supply. Its magic as coin, if it has not hopelessly departed, has been, like the retreating soldier, fearfully "demoralized," and is passing to the rear.

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It cannot be for the interest or the honor of the United States, while possessed of any healthy national pride, to resort to any expedient of bankrupt governments to lower the money standard of the country. That standard should keep us "four square" to the world and give us equal rank in the advanced civilization and industrial enterprise of all the great commercial nations.

I have failed of my purpose if I have not shown that there has been so large an increase of the stock of silver as of itself to effect a positive reduction of its value; and that this result has been confirmed and made irreversible by the new and extensive European disuse of silver coinage. I have indicated the advisability of obtaining the co-operation of other leading nations, in fixing upon a common ratio of value between gold and silver, before embarking upon a course of independent action from

which there could be no retreat. I have also attempted to show that, even in the lowest pecuniary sense of profit, the Government of the United States could not be the gainer by proposing to pay either the public debt or the United States notes in silver ; that such a payment would violate public pledges as to the whole, and violates existing statutes as to all that part of the debt contracted since 1870, and for which gold has been received ; that the remonetization of silver means the banishment of gold and our degradation among nations to the second or third rank ; that it would be a sweeping 10 per cent. reduction of all duties upon imports, requiring the imposition of new taxes to that extent ; that it would prevent the further funding of the public debt at a lower rate of interest and give to the present holders of our 6 per cent. bonds a great advantage ; that, instead of aiding resumption, it would only inflate a currency already too long depreciated, and consign it to a still lower deep ; that, instead of being a tonic to spur idle capital once more into activity, it would be its bane, destructive of all vitality ; and that as a permanent silver standard it would not only be void of all stability, and the dearest

and clumsiest in its introduction and maintenance, but that it would reduce the wages of labor to the full extent of the difference there might be between its purchasing power and that of gold.

JAMES G. BLAINE,*

OF MAINE.²

(BORN 1830, DIED 1893.)

ON THE REMONETIZATION OF SILVER, UNITED
STATES SENATE, FEBRUARY 7, 1878.²

THE discussion on the question of remonetizing silver, Mr. President, has been prolonged, able, and exhaustive. I may not expect to add much to its value, but I promise not to add much to its length. I shall endeavor to consider facts rather than theories, to state conclusions rather than arguments:

First. I believe gold and silver coin to be the money of the Constitution—indeed, the money of the American people anterior to the Constitution, which that great organic law recognized as quite independent of its own existence. No power was conferred on Congress to declare that either metal should not be

* For notes on Blaine, see Appendix, p. 473.

money. Congress has therefore, in my judgment, no power to demonetize silver any more than to demonetize gold; no power to demonetize either any more than to demonetize both. In this statement I am but repeating the weighty dictum of the first of constitutional lawyers. "I am certainly of opinion," said Mr. Webster, "that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard." Few persons can be found, I apprehend, who will maintain that Congress possesses the power to demonetize both gold and silver, or that Congress could be justified in prohibiting the coinage of both; and yet in logic and legal construction it would be difficult to show where and why the power of Congress over silver is greater than over gold—greater over either than over the two. If, therefore, silver has been demonetized, I am in favor of remonetizing it. If its coinage has been prohibited, I am in favor of ordering it to be resumed. If it has been restricted, I am in favor of having it enlarged.

Second. What power, then, has Congress

over gold and silver? It has the exclusive power to coin them ; the exclusive power to regulate their value ; very great, very wise, very necessary powers, for the discreet exercise of which a critical occasion has now arisen. However men may differ about causes and processes, all will admit that within a few years a great disturbance has taken place in the relative values of gold and silver, and that silver is worth less or gold is worth more in the money markets of the world in 1878 than in 1873, when the further coinage of silver dollars was prohibited in this country. To remonetize it now as though the facts and circumstances of that day were surrounding us, is to wilfully and blindly deceive ourselves. If our demonetization were the only cause for the decline in the value of silver, then remonetization would be its proper and effectual cure. But other causes, quite beyond our control, have been far more potentially operative than the simple fact of Congress prohibiting its further coinage ; and as legislators we are bound to take cognizance of these causes. The demonetization of silver in the great German Empire and the consequent partial, or well-nigh complete, suspension of coinage in the governments of the Latin

Union, have been the leading dominant causes for the rapid decline in the value of silver. I do not think the over-supply of silver has had, in comparison with these other causes, an appreciable influence in the decline of its value, because its over-supply with respect to gold in these later years, has not been nearly so great as was the over-supply of gold with respect to silver for many years after the mines of California and Australia were opened; and the over-supply of gold from those rich sources did not effect the relative positions and uses of the two metals in any European country.

I believe then if Germany were to remonetize silver and the kingdoms and states of the Latin Union were to reopen their mints, silver would at once resume its former relation with gold. The European countries when driven to full remonetization, as I believe they will be, must of necessity adopt their old ratio of fifteen and a half of silver to one of gold, and we shall then be compelled to adopt the same ratio instead of our former sixteen to one. For if we fail to do this we shall, as before, lose our silver, which like all things else seeks the highest market; and if fifteen and a half pounds of silver will buy as much gold in Europe as sixteen pounds

will buy in America, the silver, of course, will go to Europe. But our line of policy in a joint movement with other nations to remonetize is very simple and very direct. The difficult problem is what we shall do when we aim to re-establish silver without the co-operation of European powers, and really as an advance movement to coerce them there into the same policy. Evidently the first dictate of prudence is to coin such a dollar, as will not only do justice among our citizens at home, but will prove a protection—an absolute barricade—against the gold monometallists of Europe, who, whenever the opportunity offers, will quickly draw from us the one hundred and sixty millions of gold coin still in our midst. And if we coin a silver dollar of full legal tender, obviously below the current value of the gold dollar, we are opening wide our doors and inviting Europe to take our gold. And with our gold flowing out from us we are forced to the single silver standard and our relations with the leading commercial countries of the world are at once embarrassed and crippled.

Third. The question before Congress then—sharply defined in the pending House bill—is, whether it is now safe and expedient to offer

free coinage to the silver dollar of $412\frac{1}{2}$ grains, with the mints of the Latin Union closed and Germany not permitting silver to be coined as money. At current rates of silver, the free coinage of a dollar containing $412\frac{1}{2}$ grains, worth in gold about ninety-two cents, gives an illegitimate profit to the owner of the bullion, enabling him to take ninety-two cents' worth of it to the mint and get it stamped as coin and force his neighbor to take it for a full dollar. This is an undue and unfair advantage which the Government has no right to give to the owner of silver bullion, and which defrauds the man who is forced to take the dollar. And it assuredly follows that if we give free coinage to this dollar of inferior value and put it in circulation, we do so at the expense of our better coinage in gold; and unless we expect the uniform and invariable experience of other nations to be in some mysterious way suspended for our peculiar benefit, we inevitably lose our gold coin. It will flow out from us with the certainty and resistless force of the tides. Gold has indeed remained with us in considerable amount during the circulation of the inferior currency of the legal tender; but that was because there were two

great uses reserved by law for gold: the collection of customs and the payment of interest on the public debt. But if the inferior silver coin is also to be used for these two reserved purposes, then gold has no tie to bind it to us. What gain, therefore, would we make for the circulating medium, if on opening the gate for silver to flow in, we open a still wider gate for gold to flow out? If I were to venture upon a dictum on the silver question, I would declare that until Europe remonetizes we cannot afford to coin a dollar as low as $412\frac{1}{2}$ grains. After Europe remonetizes on the old standard, we cannot afford to coin a dollar above 400 grains. If we coin too low a dollar before general remonetization our gold will flow out from us. If we coin too high a dollar after general remonetization our silver will leave us. It is only an equated value both before and after general remonetization that will preserve both gold and silver to us.

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Fifth. The responsibility of re-establishing silver in its ancient and honorable place as money in Europe and America, devolves really on the Congress of the United States. If we act here with prudence, wisdom, and firmness, we

shall not only successfully remonetize silver and bring it into general use as money in our own country, but the influence of our example will be potential among all European nations, with the possible exception of England. Indeed, our annual indebtedment to Europe is so great that if we have the right to pay it in silver we necessarily coerce those nations by the strongest of all forces, self-interest, to aid us in upholding the value of silver as money. But if we attempt the remonetization on a basis which is obviously and notoriously below the fair standard of value as it now exists, we incur all the evil consequences of failure at home and the positive certainty of successful opposition abroad. We are and shall be the greatest producers of silver in the world, and we have a larger stake in its complete monetization than any other country. The difference to the United States between the general acceptance of silver as money in the commercial world and its destruction as money, will possibly equal within the next half-century the entire bonded debt of the nation. But to gain this advantage we must make it actual money—the accepted equal of gold in the markets of the world. Remonetization here followed by general remone-

tization in Europe will secure to the United States the most stable basis for its currency that we have ever enjoyed, and will effectually aid in solving all the problems by which our financial situation is surrounded.

Sixth. On the much-vexed and long-mooted question of a bi-metallic or mono-metallic standard my own views are sufficiently indicated in the remarks I have made. I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce wide-spread disaster in the end throughout the commercial world. The destruction of silver as money and establishing gold as the sole unit of value must have a ruinous effect on all forms of property except those investments which yield a fixed return in money. These would be enormously enhanced in value, and would gain a disproportionate and unfair advantage over every other species of property. If, as the most reliable statistics affirm, there are nearly seven thousand millions of coin or bullion in the world, not very unequally divided between gold and silver, it is impossible to strike silver out of existence as money without results which will prove distressing to millions and utterly disastrous to

tens of thousands. Alexander Hamilton, in his able and invaluable report in 1791 on the establishment of a mint, declared that "to annul the use of either gold or silver as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full circulation with the evils of a scanty circulation." I take no risk in saying that the benefits of a full circulation and the evils of a scanty circulation are both immeasurably greater to-day than they were when Mr. Hamilton uttered these weighty words, always provided that the circulation is one of actual money, and not of depreciated promises to pay.

In the report from which I have already quoted, Mr. Hamilton argues at length in favor of a double standard, and all the subsequent experience of well-nigh ninety years has brought out no clearer statement of the whole case nor developed a more complete comprehension of this subtle and difficult subject. "On the whole," says Mr. Hamilton, "it seems most advisable not to attach the unit exclusively to either of the metals, because this cannot be done effectually without destroying the office and character of one of them as money and

reducing it to the situation of mere merchandise." And then Mr. Hamilton wisely concludes that this reduction of either of the metals to mere merchandise (I again quote his exact words) "would probably be a greater evil than occasional variations in the unit from the fluctuations in the relative value of the metals, especially if care be taken to regulate the proportion between them with an eye to their average commercial value." I do not think that this country, holding so vast a proportion of the world's supply of silver in its mountains and its mines, can afford to reduce the metal to the "situation of mere merchandise." If silver ceases to be used as money in Europe and America, the great mines of the Pacific slope will be closed and dead. Mining enterprises of the gigantic scale existing in this country cannot be carried on to provide backs for looking-glasses and to manufacture cream-pitchers and sugar-bowls. A vast source of wealth to this entire country is destroyed the moment silver is permanently disused as money. It is for us to check that tendency and bring the continent of Europe back to the full recognition of the value of the metal as a medium of exchange.

Seventh. The question of beginning anew

the coinage of silver dollars has aroused much discussion as to its effect on the public credit; and the Senator from Ohio (Mr. Matthews) placed this phase of the subject in the very forefront of the debate—insisting, prematurely and illogically, I think, on a sort of judicial construction in advance, by concurrent resolution, of a certain law in case that law should happen to be passed by Congress. My own view on this question can be stated very briefly. I believe the public creditor can afford to be paid in any silver dollar that the United States can afford to coin and circulate. We have forty thousand millions of property in this country, and a wise self-interest will not permit us to overturn its relations by seeking for an inferior dollar wherewith to settle the dues and demands of any creditor. The question might be different from a merely selfish stand-point if, on paying the dollar to the public creditor, it would disappear after performing that function. But the trouble is that the inferior dollar you pay the public creditor remains in circulation, to the exclusion of the better dollar. That which you pay at home will stay there; that which you send abroad will come back. The interest of the public creditor is in-

dissolubly bound up with the interest of the whole people. Whatever affects him affects us all; and the evil that we might inflict upon him by paying an inferior dollar would recoil upon us with a vengeance as manifold as the aggregate wealth of the Republic transcends the comparatively small limits of our bonded debt. And remember that our aggregate wealth is always increasing, and our bonded debt steadily growing less! If paid in a good silver dollar, the bondholder has nothing to complain of. If paid in an inferior silver dollar, he has the same grievance that will be uttered still more plaintively by the holder of the legal-tender note and of the national-bank bill, by the pensioner, by the day-laborer, and by the countless host of the poor, whom we have with us always, and on whom the most distressing effect of inferior money will be ultimately precipitated.

But I must say, Mr. President, that the specific demand for the payment of our bonds in gold coin and in nothing else, comes with an ill grace from certain quarters. European criticism is levelled against us and hard names are hurled at us across the ocean, for simply daring to state that the letter of our law declares the

bonds to be payable in standard coin of July 14, 1870; expressly and explicitly declared so, and declared so in the interest of the public creditor, and the declaration inserted in the very body of the eight hundred million of bonds that have been issued since that date. Beyond all doubt the silver dollar was included in the standard coins of that public act. Payment at that time would have been as acceptable and as undisputed in silver as in gold dollars, for both were equally valuable in the European as well as in the American market. Seven-eighths of all our bonds, owned out of the country, are held in Germany and in Holland, and Germany has demonetized silver and Holland has been forced thereby to suspend its coinage, since the subjects of both powers purchased our securities. The German Empire, the very year after we made our specific declaration for paying our bonds in coin, passed a law destroying so far as lay in their power the value of silver as money. I do not say that it was specially aimed at this country, but it was passed regardless of its effect upon us, and was followed, according to public and undenied statement, by a large investment on the part of the German Government in our bonds, with

a view, it was understood, of holding them as a coin reserve for drawing gold from us to aid in establishing their gold standard at home. Thus, by one move the German Government destroyed, so far as lay in its power, the then existing value of silver as money, enhanced consequently the value of gold, and then got into position to draw gold from us at the moment of their need, which would also be the moment of our own sorest distress. I do not say that the German Government in these successive steps did a single thing which it had not a perfect right to do, but I do say that the subjects of that Empire have no right to complain of our Government for the initial step which has impaired the value of one of our standard coins. And the German Government by joining with us in the remonetization of silver, can place that standard coin in its old position and make it as easy for this Government to pay and as profitable for their subjects to receive the one metal as the other.

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The effect of paying the labor of this country in silver coin of full value, as compared with the irredeemable paper or as compared even with silver of inferior value, will make itself

felt in a single generation to the extent of tens of millions, perhaps hundreds of millions, in the aggregate savings which represent consolidated capital. It is the instinct of man from the savage to the scholar—developed in childhood and remaining with age—to value the metals which in all tongues are called precious. Excessive paper money leads to extravagance, to waste, and to want, as we painfully witness on all sides to-day. And in the midst of the proof of its demoralizing and destructive effect, we hear it proclaimed in the Halls of Congress that “the people demand cheap money.” I deny it. I declare such a phrase to be a total misapprehension, a total misinterpretation of the popular wish. The people do not demand cheap money. They demand an abundance of good money, which is an entirely different thing. They do not want a single gold standard that will exclude silver and benefit those already rich. They do not want an inferior silver standard that will drive out gold and not help those already poor. They want both metals, in full value, in equal honor, in whatever abundance the bountiful earth will yield them to the searching eye of science and to the hard hand of labor.

The two metals have existed side by side in harmonious, honorable companionship as money, ever since intelligent trade was known among men. It is well-nigh forty centuries since "Abraham weighed to Ephron the silver which he had named in the audience of the sons of Heth—four hundred shekels of silver—current money with the merchant." Since that time nations have risen and fallen, races have disappeared, dialects and languages have been forgotten, arts have been lost, treasures have perished, continents have been discovered, islands have been sunk in the sea, and through all these ages and through all these changes, silver and gold have reigned supreme, as the representatives of value, as the media of exchange. The dethronement of each has been attempted in turn, and sometimes the dethronement of both; but always in vain. And we are here to-day, deliberating anew over the problem which comes down to us from Abraham's time: *the weight of the silver* that shall be "current money with the merchant."

JOHN SHERMAN,*

OF OHIO.¹

(BORN 1823.)

ON SILVER COINAGE AND TREASURY NOTES; UNITED
STATES SENATE, JUNE 5, 1890.²

I APPROACH the discussion of this bill and the kindred bills and amendments pending in the two Houses with unaffected diffidence. No problem is submitted to us of equal importance and difficulty. Our action will affect the value of all the property of the people of the United States, and the wages of labor of every kind, and our trade and commerce with all the world. In the consideration of such a question we should not be controlled by previous opinions or bound by local interests, but with the lights of experience and full knowledge of all the complicated facts involved, give to the subject the best judgment which imperfect

* For notes on Sherman, see Appendix, p. 475.

human nature allows. With the wide diversity of opinion that prevails, each of us must make concessions in order to secure such a measure as will accomplish the objects sought for without impairing the public credit or the general interests of our people. This is no time for visionary theories of political economy. We must deal with facts as we find them and not as we wish them. We must aim at results based upon practical experience, for what has been probably will be. The best prophet of the future is the past.

To know what measures ought to be adopted we should have a clear conception of what we wish to accomplish. I believe a majority of the Senate desire, first, to provide an increase of money to meet the increasing wants of our rapidly growing country and population, and to supply the reduction in our circulation caused by the retiring of national-bank notes; second, to increase the market value of silver not only in the United States but in the world, in the belief that this is essential to the success of any measure proposed, and in the hope that our efforts will advance silver to its legal ratio with gold, and induce the great commercial nations to join with us in maintaining the legal

parity of the two metals, or in agreeing with us in a new ratio of their relative value; and third, to secure a genuine bimetallic standard, one that will not demonetize gold or cause it to be hoarded or exported, but that will establish both gold and silver as standards of value not only in the United States, but among all the civilized nations of the world.

Believing that these are the chief objects aimed at by us all, and that we differ only as to the best means to obtain them, I will discuss the pending propositions to test how far they tend, in my opinion, to promote or defeat these objects.

And, first, as to the amount of currency necessary to meet the wants of the people.

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It is a fact that there has been a constant increase of currency. It is a fact which must be constantly borne in mind. If any evils now exist such as have been so often stated, such as falling prices, increased mortgages, contentions between capital and labor, decreasing value of silver, increased relative value of gold, they must be attributed to some other cause than our insufficient supply of circulation, for not only has the circulation increased in these

twelve years 80 per cent., while our population has only increased 36 per cent., but it has all been maintained at the gold standard, which, it is plain, has been greatly advanced in purchasing power. If the value of money is tested by its amount, by numerals, according to the favorite theory of the Senator from Nevada (Mr. Jones), then surely we ought to be on the high road of prosperity, for these numerals have increased in twelve years from \$805,000,000 to \$1,405,000,000 in October last, and to \$1,420,000,000 on the 1st of this month. This single fact disposes of the claim that insufficient currency is the cause of the woes, real and imaginary, that have been depicted, and compel us to look to other causes for the evils complained of.

I admit that prices for agricultural productions have been abnormally low, and that the farmers of the United States have suffered greatly from this cause. But this depression of prices is easily accounted for by the greatly increased amount of agricultural production, the wonderful development of agricultural implements, the opening of vast regions of new and fertile fields in the West, the reduced cost of transportation, the doubling of the miles of

railroads, and the quadrupling capacity of railroads and steamboats for transportation, and the new-fangled forms of trusts and combinations which monopolize nearly all the productions of the farms and workshops of our country, reducing the price to the producer and in some cases increasing the cost to the consumer. All these causes co-operate to reduce prices of farm products. No one of them can be traced to an insufficient currency, now larger in amount in proportion to population than ever before in our history.

But to these causes of a domestic character must be added others, over which we have no control. The same wonderful development of industry has been going on in other parts of the globe. In Russia, especially in Southern Russia, vast regions have been opened to the commerce of the world. Railroads have been built, mines have been opened, exhaustless supplies of petroleum have been found, and all these are competitors with us in supplying the wants of Europe for food, metals, heat, and light. India, with its teeming millions of poorly paid laborers, is competing with our farmers, and their products are transported to market over thousands of miles of railroads

constructed by English capital, or by swift steamers through the Red Sea and the Suez Canal, reaching directly the people of Europe whom we formerly supplied with food. No wonder, then, that our agriculture is depressed by low prices, caused by competition with new rivals and agencies.

Any one who can overlook these causes and attribute low prices to a want of domestic currency, that has increased and is increasing continually, must be blind to the great forces that in recent times throughout the world are tending by improved methods and modern inventions to lessen the prices of all commodities.

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These fluctuations depend upon the law of supply and demand, involving facts too numerous to state, but rarely depending on the volume of money in circulation. An increase of currency can have no effect to advance prices unless we cheapen and degrade it by making it less valuable ; and if that is the intention now, the direct and honest way is to put fewer grains of gold or silver in our dollar. This was the old way, by clipping the coin, adding base metal.

If we want a cheaper dollar we have the clear

constitutional right to put in it 15 grains of gold instead of 23, or 300 grains of silver instead of $412\frac{1}{2}$, but you have no power to say how many bushels of wheat the new dollar shall buy. You can, if you choose, cheapen the dollar under your power to coin money, and thus enable a debtor to pay his debts with fewer grains of silver or gold, under the pretext that gold or silver has risen in value, but in this way you would destroy all forms of credit and make it impossible for nations or individuals to borrow money for a period of time. It is a species of repudiation.

The best standard of value is one that measures for the longest period its equivalent in other products. Its relative value may vary from time to time. If it falls, the creditor loses; if it increases, the debtor loses; and these changes are the chances of all trade and commerce and all loaning and borrowing. The duty of the Government is performed when it coins money and provides convenient credit representatives of coin. The purchasing power of money for other commodities depends upon changing conditions over which the Government has no control. Even its power to issue paper money has been denied until recently,

but this may be considered as settled by the recent decisions of the Supreme Court in the legal-tender cases. All that Congress ought to do is to provide a sufficient amount of money, either of coin or its equivalent of paper money, to meet the current wants of business. This it has done in the twelve years last passed at a ratio of increase far in excess of any in our previous history.

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Under the law of February, 1878, the purchase of \$2,000,000 worth of silver bullion a month has by coinage produced annually an average of nearly \$3,000,000 a month for a period of twelve years, but this amount, in view of the retirement of the bank notes, will not increase our currency in proportion to our increase in population. If our present currency is estimated at \$1,400,000,000, and our population is increasing at the ratio of 3 per cent. per annum, it would require \$42,000,000 increased circulation each year to keep pace with the increase of population; but as the increase of population is accompanied by a still greater ratio of increase of wealth and business, it was thought that an immediate increase of circulation might be obtained by larger purchases of

silver bullion to an amount sufficient to make good the retirement of bank notes, and keep pace with the growth of population. Assuming that \$54,000,000 a year of additional circulation is needed upon this basis, that amount is provided for in this bill by the issue of Treasury notes in exchange for bullion at the market price. I see no objection to this proposition, but believe that Treasury notes based upon silver bullion purchased in this way will be as safe a foundation for paper money as can be conceived.

Experience shows that silver coin will not circulate to any considerable amount. Only about one silver dollar to each inhabitant is maintained in circulation with all the efforts made by the Treasury Department, but silver certificates, the representatives of this coin, pass current without question, and are maintained at par in gold by being received by the Government for all purposes and redeemed if called for. I do not fear to give to these notes every sanction and value that the United States can confer. I do not object to their being made a legal tender for all debts, public or private. I believe that if they are to be issued they ought to be issued as money, with all the sanction

and authority that the Government can possibly confer. While I believe the amount to be issued is greater than is necessary, yet in view of the retirement of bank notes I yielded my objections to the increase beyond \$4,000,000. As an expedient to provide increased circulation it is far preferable to free coinage of silver or any proposition that has been made to provide some other security than United States bonds for bank circulation. I believe it will accomplish the first object proposed, a gradual and steady increase of the current money of the country.

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What then can we do to arrest the fall of silver and to advance its market value? I know of but two expedients. One is to purchase bullion in large quantities as the basis and security of Treasury notes, as proposed by this bill. The other is to adopt the single standard of silver, and take the chances for its rise or fall in the markets of the world. I have already stated the probable results of the hoarding of bullion. By purchasing in the open market our domestic production of silver and hoarding it in the Treasury we withdraw so much from the supply of the world, and thus maintain or

increase the price of the remaining silver production of the world. It is not idle in our vaults, but is represented by certificates in active circulation. Sixteen ounces of silver bullion may not be worth one ounce of gold, still one dollar's worth of silver bullion is worth one dollar of gold.

What will be the effect of the free coinage of silver? It is said that it will at once advance silver to par with gold at the ratio of 16 to 1. I deny it. The attempt will bring us to the single standard of the cheaper metal. When we advertise that we will buy all the silver of the world at that ratio and pay in Treasury notes, our notes will have the precise value of $371\frac{1}{2}$ grains of pure silver, but the silver will have no higher value in the markets of the world. If, now, that amount of silver can be purchased at 80 cents, then gold will be worth \$1.25 in the new standard. All labor, property, and commodities will advance in nominal value, but their purchasing power in other commodities will not increase. If you make the yard 30 inches long instead of 36 you must purchase more yards for a coat or a dress, but do not lessen the cost of the coat or the dress. You may by free coinage, by a species of confisca-

tion, reduce the burden of a debt, but you cannot change the relative value of gold or silver, or any object of human desire. The only result is to demonetize gold and to cause it to be hoarded or exported. The cheaper metal fills the channels of circulation and the dearer metal commands a premium.

If experience is needed to prove so plain an axiom we have it in our own history. At the beginning of our National Government we fixed the value of gold and silver as 1 to 15. Gold was undervalued and fled the country to where an ounce of gold was worth $15\frac{1}{2}$ ounces of silver. Congress, in 1834, endeavored to rectify this by making the ratio 1 to 16, but by this silver was undervalued. Sixteen ounces of silver were worth more than 1 ounce of gold, and silver disappeared. Congress, in 1853, adopted another expedient to secure the value of both metals as money. By this expedient gold is the standard and silver the subsidiary coin, containing confessedly silver of less value in the market than the gold coin, but maintained at the parity of gold coin by the Government.

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But it is said that those of us who demand the gold standard, or paper money always

equal to gold, are the representatives of capital, money-changers, bondholders, Shylocks, who want to grind and oppress the people. This kind of argument I hoped would never find its way into the Senate Chamber. It is the cry of the demagogue, without the slightest foundation. All these classes can take care of themselves. They are the men who make their profits out of the depreciation of money. They can mark up the price of their property to meet changing standards. They can protect themselves by gold contracts. In proportion to their wealth they have less money on hand than any other class. They have already protected themselves to a great extent by converting the great body of the securities in which they deal into gold bonds, and they hold the gold of the country, which you cannot change in value. They are not, as a rule, the creditors of the country.

The great creditors are savings-banks, insurance companies, widows and orphans, and provident farmers, and business men on a small scale. The great operators are the great borrowers and owe more than is due them. Their credit is their capital and they need not have even money enough to pay their rent.

But how will this change affect the great mass of our fellow-citizens who depend upon their daily labor? A dollar to them means so much food, clothing, and rent. If you cheapen the dollar it will buy less of these. You may say they will get more dollars for their labor, but all experience shows that labor and land are the last to feel the change in monetary standards, and the same resistance will be made to an advance of wages on the silver standard as on the gold standard, and when the advance is won it will be found that the purchasing power of the new dollar is less than the old. No principle of political economy is better established than that the producing classes are the first to suffer and the last to gain by monetary changes.

I might apply this argument to the farmer, the merchant, the professional man, and to all classes except the speculator or the debtor who wishes to lessen the burden of his obligations ; but it is not necessary.

It is sometimes said that all this is a false alarm, that our demand for silver will absorb all that will be offered and bring it to par with gold at the old ratio. I have no faith in such a miracle. If they really thought so, many

would lose their interest in the question. What they want is a cheaper dollar that would pay debts easier. Others do not want either silver or gold, but want numbers, numerals, the fruit of the printing-press, to be fixed every year by Congress as we do an appropriation bill.

Now, sir, I am willing to do all I can with safety even to taking great risks to increase the value of silver to gold at the old ratio, and to supply paper substitutes for both for circulation, but there is one immutable, unchangeable, ever-existing condition, that the paper substitute must always have the same purchasing power as gold and silver coin, maintained at their legal ratio with each other. I feel a conviction, as strong as the human mind can have, that the free coinage of silver now by the United States will be a grave mistake and a misfortune to all classes and conditions of our fellow-citizens. I also have a hope and belief, but far from a certainty, that the measure proposed for the purchase of silver bullion to a limited amount, and the issue of Treasury notes for it, will bring silver and gold to the old ratio, and will lead to an agreement with other commercial nations to maintain the free coinage of both metals.

And now, sir, I want to state in conclusion, without any purpose to bind myself to detail, that I will vote for any measure that will, in my judgment, secure a genuine bimetallic standard—one that will not demonetize gold or cause it to be hoarded or exported, but will establish both silver and gold as common standards and maintain them at a fixed ratio, not only in the United States but among all the nations of the world. The principles adopted by the Acts of 1853 and 1875 have been sustained by experience and should be adhered to. In pursuance of them I would receive into the Treasury of the United States all the gold and silver produced in our country at their market value, not at a speculative or forced value, but at their value in the markets of the world. And for the convenience of our people I would represent them by Treasury notes to an amount not exceeding their cost. I would confer upon these notes all the use, qualities, and attributes that we can confer within our constitutional power, and support and maintain them as money by coining the silver and gold as needed upon the present legal ratios, and by a pledge of all the revenues of the Government and all the wealth and credit of the United States.

And I would proclaim to all our readiness, by international negotiations or treaties, to bring about an agreement among nations for common units of value and of weights and measures for all the productions of the world.

This hope of philosophers and statesmen is now nearer realization than ever before. If we could contribute to this result it would tend to promote commerce and intercourse, trade and travel, peace and harmony among nations. It would be in line with the civilization of our age. It is by such measures statesmen may keep pace with the marvellous inventions, improvements, and discoveries which have quadrupled the capacity of man for production, made lightning subservient to his will, revealed to him new agencies of power hidden in the earth, and opened up to his enterprise all the dark places of the world. The people of the United States boast that they have done their full share in all this development; that they have grown in population, wealth, and strength; that they are the richest of nations, with untarnished credit, a model and example of self-government without kings or princes or lords. Surely this is no time for a radical change of public policy which seems to have no motive except

to reduce the burden of obligations freely taken, a change likely to impair our public credit and produce disorder and confusion in all monetary transactions. Others may see reasons for this change, but I prefer to stand by the standards of value that come to us with the approval and sanction of every party that has administered the Government since its beginning.

JOHN P. JONES,*

OF NEVADA.¹

(BORN 1830.)

ON TREASURY NOTES AND SILVER, IN THE SENATE
OF THE UNITED STATES, MAY 12, 1890.²

MR. PRESIDENT, the question now about to be discussed by this body is in my judgment the most important that has attracted the attention of Congress or the country since the formation of the Constitution. It affects every interest, great and small, from the slightest concern of the individual to the largest and most comprehensive interest of the nation.

The measure under consideration was reported by me from the Committee on Finance. It is hardly necessary for me to say, however, that it does not fully reflect my individual views regarding the relation which silver should bear to the monetary circulation of the country

* For notes on Jones, see Appendix, p. 476.

or of the world. I am, at all times and in all places, a firm and unwavering advocate of the free and unlimited coinage of silver, not merely for the reason that silver is as ancient and honorable a money metal as gold, and equally well adapted for the money use, but for the further reason that, looking at the annual yield from the mines, the entire supply that can come to the mints will at no time be more than is needed to maintain at a steady level the prices of commodities among a constantly increasing population.

* * * * *

History gives evidence of no more prolific source of human misery than a persistent and long continued fall in the general range of prices. But, although exercising so pernicious an influence, it is not itself a cause, but an effect.

When a fall of prices is found operating, not on one article or class of articles alone, but on the products of all industries; when found to be not confined to any one climate, country, or race of people, but to diffuse itself over the civilized world; when it is found not to be a characteristic of any one year, but to go on progressively for a series of years, it becomes

manifest that it does not and can not arise from local, temporary, or subordinate causes, but must have its genesis and development in some principle of universal application.

What, then, is it that produces a general decline of prices in any country? It is produced by a shrinkage in the volume of money relatively to population and business, which has never yet failed to cause an increase in the value of the money unit, and a consequent decrease in the price of the commodities for which such unit is exchanged. If the volume of money in circulation be made to bear a direct and steady ratio to population and business, prices will be maintained at a steady level, and, what is of supreme importance, money will be kept of unchanging value. With an advancing civilization, in which a large volume of business is conducted on a basis of credit extending over long periods, it is of the uttermost importance that money, which is the measure of all equities, should be kept unchanging in value through time.

A reduction in the volume of money relatively to population and business, or, (to state the proposition in another form) a volume which remains stationary while population and

business are increasing, has the effect of increasing the value of each unit of money, by increasing its purchasing power.

* * * * *

We have 22,000,000 workmen in this country. In order that they may be kept uninterruptedly employed it is absolutely necessary that business contracts and obligations be made long in advance. Accordingly, we read almost daily of the inception of industrial undertakings requiring years to fulfil. It is not too much to say that the suspension for one season of the making of time-contracts would close the factories, furnaces, and machine-shops of all civilized countries.

The natural concomitant of such a system of industry is the elaborate system of debt and credit which has grown up with it, and is indispensable to it. Any serious enhancement in the value of the unit of money between the time of making a contract or incurring a debt and the date of fulfilment or maturity always works hardship and frequently ruin to the contractor or debtor.

Three fourths of the business enterprises of this country are conducted on borrowed capital. Three fourths of the homes and farms that

stand in the name of the actual occupants have been bought on time, and a very large proportion of them are mortgaged for the payment of some part of the purchase money.

Under the operation of a shrinkage in the volume of money this enormous mass of borrowers, at the maturity of their respective debts, though nominally paying no more than the amount borrowed, with interest, are, in reality, in the amount of the principal alone, returning a percentage of value greater than they received—more than in equity they contracted to pay, and oftentimes more, in substance, than they profited by the loan. To the man of business this percentage in many cases constitutes the difference between success and failure. Thus a shrinkage in the volume of money is the prolific source of bankruptcy and ruin. It is the canker that, unperceived and unsuspected, is eating out the prosperity of our people. By reason of the almost universal inattention to the nature and functions of money this evil is permitted, unobserved, to work widespread ruin and disaster. So subtle is it in its operations that it eludes the vigilance of the most acute. It baffles al^l foresight and

calculation; it sets at naught all industry, all energy, all enterprise.

* * * * *

The advocates of the single gold standard deem even silver money much better money than greenbacks. Does it then follow that when greenbacks were our only money—good enough money to carry our nation through the greatest war in all history—we were “alongside” or underneath the barbarous nations of the world? It is not the form or material of a nation’s money that fixes its status relatively to other nations. That is accomplished by the vitality, the energy, the intellectuality and effective force of its people. The United States can never be placed “alongside” any barbarous nation, except by compelling our people to compete with barbarous peoples—compelling them to sell the products of American labor at prices regulated by the cost of labor and manner of living in barbarous countries. As well might it be said that we are alongside the barbarous people of India because we continue to produce wheat and cotton.

The distinguishing feature of all barbarous nations is the squalor of their working classes. The reward of their hard toil is barely enough

to maintain animal existence. A civilized people are placed alongside a barbarous one when, in their means of livelihood, the foundation of their civilization, they are made to compete with the barbarians. That was the result accomplished for the farmers and planters of the United States when silver was demonetized.

* * * * *

It is a remarkable circumstance, Mr. President, that throughout the entire range of economic discussion in gold-standard circles, it seems to be taken for granted that a change in the value of the money unit is a matter of no significance, and imports no mischief to society, so long as the change is in one direction. Who has ever heard from an Eastern journal any complaint against a contraction of our money volume; any admonition that in a shrinking volume of money lurk evils of the utmost magnitude? On the other hand, we have been treated to lengthy homilies on the evils of "inflation," whenever the slightest prospect presented itself to a decrease in the value of money—not with the view of giving the debtor an advantage over the lender of money, but of preventing the unconscionable injustice of a further increasing value in the dollars which

the debtor contracted to pay. Loud and resounding protests have been entered against the "dishonesty" of making payments in "depreciated dollars." The debtors are characterized as dishonest for desiring to keep money at a steady and unwavering value. If that object could be secured, it would undoubtedly be to the interest of the debtor, and could not possibly work any injustice to the creditor. It would simply assure to both debtor and creditor the exact measure for which they bargained. It would enable the debtor to pay his debt with exactly the amount of sacrifice to which, on the making of the debt, he undertook to submit, in order to pay it.

In all discussions of the subject the creditors attempt to brush aside the equities involved by sneering at the debtors. But, Mr. President, debt is the distinguishing characteristic of modern society. It is through debt that the marvellous developments of the nineteenth-century civilization have been effected. Who are the debtors in this country? Who are the borrowers of money? The men of enterprise, of energy, of skill, the men of industry, of foresight, of calculation, of daring. In the ranks of the debtors will be found a large preponder-

ance of the constructive energy of every country. The debtors are the upbuilders of the national wealth and prosperity ; they are the men of initiative, the men who conceive plans and set on foot enterprises. They are those who by borrowing money enrich the community. They are the dynamic force among the people. They are the busy, restless, moving throng whom you find in all walks of life in this country—the active, the vigorous, the strong, the undaunted.

These men are sustained in their efforts by the hope and belief that their labors will be crowned with success. Destroy that hope and you take away from society the most powerful of all the incentives to material development ; you place in the pathway of progress an obstacle which it is impossible to surmount.

The men of whom I have spoken are undoubtedly the first who are likely to be affected by a shrinkage in the volume of money.

The highest prosperity of a nation is attained only when all its people are employed in avocations suited to their individual aptitudes, and when a just money system insures an equitable distribution of the products of their industry. With our present complex civ-

ilization, in order that men may have constant employment, it is indispensable that work be planned and undertakings projected years in advance. Without an intelligent forecast of enterprises large numbers of workmen must periodically be relegated to idleness. Enterprises that take years to complete must be contracted for in advance, and payments provided for.

A constant but unperceived rise in the value of the dollar with which those payments must be made, baffles all plans, thwarts all calculation, and destroys all equities between debtor and creditor. If we cannot intelligently regulate our money volume so as to maintain unchanging the value of the money unit, if we cannot preserve our people from the blighting effects which an increase in the measuring power of the money unit entails upon all industry, to what purpose is our boasted civilization?

By the increase of that measuring power all hopes are disappointed, all purposes baffled, all efforts thwarted, all calculations defied. This subtle enlargement in the measuring power of the unit of money (the dollar) affects every class of the working community. Like a poi-

sonous drug in the human body, it permeates every vein, every artery, every fibre and filament of the industrial structure. The debtor is fighting for his life against an enemy he does not see, against an influence he does not understand. For, while his calculations were well and intelligently made, and the amount of his debts and the terms of his contracts remain the same, the weight of all his obligations has been increased by an insidious increase in the value of the money unit.

* * * * *

In an ancient village there once stood a gold clock, which, ever since the invention of clocks, had been the measure of time for the people of that village.* They were proud of its beauty, its workmanship, its musical stroke, and the unfailing regularity with which it heralded the passing hours. This clock had been endeared to all the inhabitants of the village by the hallowed associations with which it was identified. Generation after generation it had called the children from far and wide to attend the village school; its fresh morning peal had set the honest villagers to labor; its noonday notes had called them to refreshment; its welcome evening chime had summoned them to rest.

From time immemorial, on all festive occasions, it had rung out its merry tones to assemble the young people on the green ; and on the Sabbath it had advertised to all the countryside the hour of worship in the village church. So perfect was its mechanism that it never needed repair. So proud were the people of this wonderful clock that it became the standard for all the country round about, and the time which it kept came to be known as the gold standard of time, which was universally admitted to be correct and unchanging.

In the course of time there wandered that way a queer character, a clock-maker, who being fully instructed in the inner workings of time-tellers, and not having inherited the traditions of that village, did not regard this clock with the veneration accorded to it by the natives. To their astonishment he denied that there was really any such thing as a gold standard of time ; and in order to prove that the material, gold, did not monopolize all the qualities characteristic of clocks, he placed alongside the gold clock, another clock, of silver, and set both clocks at 12 noon. For a long time the clocks ran along in almost perfect accord, their only disagreement being that of

an occasional second or two, and even that disagreement only at rare intervals, such as might naturally occur with the best of clocks. But the Council of the village, in their admiration for the gold clock, passed an ordinance requiring that all the weights (the motive power) of the silver clock, except one, be removed from it, and attached to those of the gold clock. Instantly the clocks began to fall apart, and one day, as the sun was passing the meridian, the hands of the gold clock were observed to indicate the hour of 1, while those of the silver clock indicated 12.15. At this everybody in the village ridiculed the silver clock, derided the silver standard, and hurled epithets at the individual who had had the temerity to doubt the infallibility of the gold standard.

Finally, the divergence between the clocks went so far that it was noon by the gold standard when it was only 6 A.M. by the silver standard, so that those who were guided by the gold standard, notwithstanding that it was yet the gray of the morning, insisted on eating their mid-day meal, because the gold standard indicated that it must be noon. And when the sun was high in the heavens, and its light was shining warm and refulgent on the dusty

streets of the village, those who observed the gold standard had already eaten supper and were preparing for bed.

But this state of things could not last. It was clear that the difference between the standards must be reconciled, or all industry would be disarranged and the village ruined.

Discussion was rife among the villagers as to the cause of the difference. Some said the silver clock had lost time; others that both clocks had lost time, but the silver clock more than the gold; while others again asserted that both clocks had gained time, but that the gold clock had gained more than the silver clock.

While this discussion was at its height a philosopher came along and observing the excitement on the subject remarked: "By measuring two things, one against the other, you can never arrive at any determination as to which has changed. Instead of disputing as to whether one clock has lost or another gained would it not be well to consult the sun and the stars and ascertain exactly what has happened?"

Some demurred to this because, as they asserted, the gold standard was unchanging and was always right no matter how much it might

seem to be wrong; others agreed that the philosopher's advice should be taken. Upon consulting the sun and the stars it was discovered that what had happened was that both clocks had gained in time but that the gain of the silver clock had been very slight, while that of the gold clock had been so great as to disturb all industry and destroy all correct sense of time.

Notwithstanding this demonstration, there were many who adhered to the belief that the gold standard was correct and unchanging, and insisted that what appeared to be its aberrations were not in reality due to any fault of the gold clock, but to some convulsion of nature by which the solar system had been disarranged and the planets made to move irregularly in their orbits.

Some of the people also remembered having heard at the village inn, from travellers returning from the East, that silver clocks were the standard of time in India and other barbarous countries, while in countries of a more advanced civilization gold clocks were the standard. They therefore feared that the use of the silver clock might have the effect of degrading the civilization of the village by placing it

alongside India and other barbarous countries. And although the great mass of the people really believed, from the demonstration made, that the silver standard of time was the better one, yet this objection was so momentous that they were puzzled what course to pursue, and at last advices were consulting the manufacturers of gold clocks as to what was best to be done.

Now our gold standard men are in the position of those who first refuse to look at anything beyond the two things, gold and silver, to see what has happened, and who, when it is finally demonstrated that all other things retain their former relations to silver, still persist that the law which makes gold an unchanging standard of measure is more immutable than that which holds the stars in their courses. If they will compare gold and silver with commodities in general, to see how the metals have maintained their relations, not to one another but to all other things, they will find that instead of a fall having taken place in the value of silver, the change that has really taken place is a rise in the value of both gold and silver, the rise in silver being relatively slight, while that of gold has been ruinously great. And

those who do not shut their eyes to the truth must see that the change of relation between the metals has been effected by depriving silver of its legal-tender function, as the want of accord between the clocks was brought about by depriving the silver clock of a portion of its motive power—the weights. The only thing that has prevented a greater divergency between the metals is the limited coinage by the United States—the single weight that, withheld from the gold clock, prevented its more ruinous gain.

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Everybody admits that the value of all other things is regulated by the play against each other of the forces of supply and demand. No reason has been or can be given why the value of the unit of money is not subject to this law.

The demand for money is equivalent to the sum of the demands for all other things whatsoever, for it is through a demand first made on money that all the wants of man are satisfied. The demand for money is instant, constant, and unceasing, and is always at a maximum. If any man wants a pair of shoes, or a suit of clothes, he does not make his demand first on the shoemaker, or clothier. No man,

except a beggar, makes a demand directly for food, clothes, or any other article. Whether it be to obtain clothing, food, or shelter—whether the simplest necessity or the greatest luxury of life—it is on money that the demand is first made. As this rule operates throughout the entire range of commodities it is manifest that the demand for money equals at least the united demands for all other things.

While population remains stationary, the demand for money will remain the same. As the demand for one article becomes less, the demand for some other which shall take its place becomes greater. The demand for money, therefore, must ever be as pressing and urgent as the needs of man are varied, incessant, and importunate.

Such being the demand for money, what is the supply? It is the total number of units of money in circulation (actual or potential) in any country.

The force of the demand for money operating against the supply is represented by the earnest, incessant struggle to obtain it. All men, in all trades and occupations, are offering either property or services for money. Each shoemaker in each locality is in competition

with every other shoemaker in the same locality, each hatter is in competition with every other hatter, each clothier with every other clothier, all offering their wares for units of money. In this universal and perpetual competition for money, that number of shoemakers that can supply the demand for shoes at the smallest average price (excellence of quality being taken into account) will fix the market value of shoes in money; and conversely, will fix the value of money in shoes. So with the hatters as to hats, so with the tailors as to clothes, and so with those engaged in all other occupations as to the products respectively of their labor.

The transcendent importance of money, and the constant pressure of the demand for it, may be realized by comparing its utility with that of any other force that contributes to human welfare.

In all the broad range of articles that in a state of civilization are needed by man, the only absolutely indispensable thing is money. For everything else there is some substitute—some alternative; for money there is none. Among articles of food, if beef rises in price, the demand for it will diminish, as a certain proportion of the people will resort to other

forms of food. If, by reason of its continued scarcity, beef continues to rise, the demand will further diminish, until finally it may altogether cease and centre on something else. So in the matter of clothing. If any one fabric becomes scarce, and consequently dear, the demand will diminish, and, if the price continue rising, it is only a question of time for the demand to cease and be transferred to some alternative.

But this cannot be the case with money. It can never be driven out of use. There is not, and there never can be, any substitute for it. It may become so scarce that one dollar at the end of a decade may buy ten times as much as at the beginning; that is to say, it may cost in labor or commodities ten times as much to get it, but at whatever cost, the people must have it. Without money the demands of civilization could not be supplied.*

GEORGE WILLIAM CURTIS,*

OF NEW YORK.¹

(BORN 1824, DIED 1892.)

ON THE SPOILS SYSTEM AND THE PROGRESS OF
CIVIL SERVICE REFORM.

An Address delivered before the American Social Science
Association at its Meeting in Saratoga, New York,
September 8, 1881.†

TWELVE years ago I read a paper before this association upon reform in the Civil Service.² The subject was of very little interest. A few newspapers which were thought to be visionary occasionally discussed it, but the press of both parties smiled with profound indifference. Mr. Jenckes had pressed it upon an utterly listless Congress, and his proposition was regarded as the harmless hobby of an amiable man, from

* For notes on Curtis, see Appendix, p. 478.

† Reprinted through the courtesy of Messrs. Harper & Bros.
from *Orations and Addresses of George William Curtis*.

which a little knowledge of practical politics would soon dismount him. The English reform, which was by far the most significant political event in that country since the parliamentary reform bill of 1832, was virtually unknown to us. To the general public it was necessary to explain what the Civil Service was, how it was recruited, what the abuses were, and how and why they were to be remedied. Old professional politicians, who look upon reform as Dr. Johnson defined patriotism, as the last refuge of a soundrel, either laughed at what they called the politics of idiocy and the moon, or sneered bitterly that reformers were cheap hypocrites who wanted other people's places and lamented other people's sins.

This general public indifference was not surprising. The great reaction of feeling which followed the war, the relaxation of the long-strained anxiety of the nation for its own existence, the exhaustion of the vast expenditure of life and money, and the satisfaction with the general success, had left little disposition to do anything but secure in the national polity the legitimate results of the great contest. To the country, reform was a proposition to reform evils of administration of which it knew little,

and which, at most, seemed to it petty and impertinent in the midst of great affairs. To Congress, it was apparently a proposal to deprive members of the patronage which to many of them was the real gratification of their position, the only way in which they felt their distinction and power. To such members reform was a plot to deprive the bear of his honey, the dog of his bone, and they stared and growled incredulously.

This was a dozen years ago. To-day the demand for reform is imperative. The drop has become a deluge. Leading journals of both parties eagerly proclaim its urgent necessity. From New England to California public opinion is organizing itself in reform associations. In the great custom-house and the great post-office of the country—those in the city of New York—reform has been actually begun upon definite principles and with remarkable success, and the good example has been followed elsewhere with the same results. A bill carefully prepared and providing for gradual and thorough reform has been introduced with an admirable report in the Senate of the United States. Mr. Pendleton, the Democratic Senator from Ohio, declares that

the Spoils System which has debauched the Civil Service of fifty millions of people must be destroyed. Mr. Dawes, the Republican Senator from Massachusetts, summons all good citizens to unite to suppress this gigantic evil which threatens the republic. Conspicuous reformers sit in the Cabinet ; and in this sorrowful moment, at least, the national heart and mind and conscience, stricken and bowed by a calamity whose pathos penetrates every household in Christendom, cries to these warning words, "Amen! Amen!" Like the slight sound amid the frozen silence of the Alps that loosens and brings down the avalanche, the solitary pistol-shot of the 2d of July³ has suddenly startled this vast accumulation of public opinion into conviction, and on every side thunders the rush and roar of its overwhelming descent, which will sweep away the host of evils bred of this monstrous abuse.

This is an extraordinary change for twelve years, but it shows the vigorous political health, the alert common-sense, and the essential patriotism of the country, which are the earnest of the success of any wise reform. The war which naturally produced the lassitude and indifference to the subject which were evident

twelve years ago had made reform, indeed, a vital necessity, but the necessity was not then perceived. The dangers that attend a vast system of administration based to its least detail upon personal patronage were not first exposed by Mr. Jenckes in 1867, but before that time they had been mainly discussed as possibilities and inferences. Yet the history of the old New York council of appointment had illustrated in that State the party fury and corruption which patronage necessarily breeds, and Governor McKean in Pennsylvania, at the close of the last century, had made "a clean sweep" of the places within his power. The spoils spirit struggled desperately to obtain possession of the national administration from the day of Jefferson's inauguration to that of Jackson's, when it succeeded. Its first great but undesigned triumph was the decision of the First Congress in 1789, vesting the sole power of removal in the President, a decision which placed almost every position in the Civil Service unconditionally at his pleasure. This decision was determined by the weight of Madison's authority. But Webster, nearly fifty years afterwards, opposing his authority to that of Madison, while admitting the deci-

sion to have been final, declared it to have been wrong. The year 1820, which saw the great victory of slavery in the Missouri Compromise, was also the year in which the second great triumph of the spoils system was gained, by the passage of the law which, under the plea of securing greater responsibility in certain financial offices, limited such offices to a term of four years. The decision of 1789, which gave the sole power of removal to the President, required positive executive action to effect removal; but this law of 1820 vacated all the chief financial offices, with all the places dependent upon them, during the term of every President, who, without an order of removal, could fill them all at his pleasure.

A little later a change in the method of nominating the President from a congressional caucus to a national convention still further developed the power of patronage as a party resource, and in the session of 1825-26, when John Quincy Adams was President, Mr. Benton introduced his report upon Mr. Macon's resolution declaring the necessity of reducing and regulating executive patronage; although Mr. Adams, the last of the Revolutionary line of Presidents, so scorned to misuse patronage that

he leaned backward in standing erect. The pressure for the overthrow of the constitutional system had grown steadily more angry and peremptory with the progress of the country, the development of party spirit, the increase of patronage, the unanticipated consequences of the sole executive power of removal, and the immense opportunity offered by the four-years' law. It was a pressure against which Jefferson held the gates by main force, which was relaxed by the war under Madison and the fusion of parties under Monroe, but which swelled again into a furious torrent as the later parties took form. John Quincy Adams adhered, with the tough tenacity of his father's son, to the best principles of all his predecessors. He followed Washington, and observed the spirit of the Constitution in refusing to remove for any reason but official misconduct or incapacity. But he knew well what was coming, and with characteristically stinging sarcasm he called General Jackson's inaugural address "a threat of reform." With Jackson's administration in 1830 the deluge of the spoils system burst over our national politics. Sixteen years later, Mr. Buchanan said in a public speech that General Taylor would be faithless to the Whig party

if he did not proscribe Democrats. So high the deluge had risen which has ravaged and wasted our politics ever since, and the danger will be stayed only when every President, leaning upon the law, shall stand fast where John Quincy Adams stood.

But the debate continued during the whole Jackson administration. In the Senate and on the stump, in elaborate reports and popular speeches, Webster, Calhoun, and Clay, the great political chiefs of their time, sought to alarm the country with the dangers of patronage. Sargent S. Prentiss, in the House of Representatives, caught up and echoed the cry under the administration of Van Buren. But the country refused to be alarmed. As the Yankee said of the Americans at the battle of White Plains, where they were beaten, "The fact is, as far as I can understand, our folks did n't seem to take no sort of interest in that battle." The reason that the country took no sort of interest in the discussion of the evils of patronage was evident. It believed the denunciation to be a mere party cry, a scream of disappointment and impotence from those who held no places and controlled no patronage. It heard the leaders of the opposition fiercely

arraigning the administration for proscription and universal wrong-doing, but it was accustomed by its English tradition and descent always to hear the Tories cry that the Constitution was in danger when the Whigs were in power, and the Whigs under a Tory administration to shout that all was lost. It heard the uproar like the old lady upon her first railroad journey, who sat serene amid the wreck of a collision, and when asked if she was much hurt, looked over her spectacles and answered, blandly, "Hurt? Why, I supposed they always stopped so in this kind of travelling." The feeling that the denunciation was only a part of the game of politics, and no more to be accepted as a true statement than Snug the joiner as a true lion, was confirmed by the fact that when the Whig opposition came into power with President Harrison, it adopted the very policy which under Democratic administration it had strenuously denounced as fatal. The pressure for place was even greater than it had been ten years before, and although Mr. Webster as Secretary of State maintained his consistency by putting his name to an executive order asserting sound principles, the order was swept away like a lamb by a locomotive.

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Nothing but a miracle, said General Harrison's attorney-general,⁴ can feed the swarm of hungry office-seekers.

Adopted by both parties, Mr. Marcy's doctrine that the places in the public service are the proper spoils of a victorious party, was accepted as a necessary condition of popular government. One of the highest officers of the government expounded this doctrine to me long afterwards. "I believe," said he, "that when the people vote to change a party administration they vote to change every person of the opposite party who holds a place, from the President of the United States to the messenger at my door." It is this extraordinary but sincere misconception of the function of party in a free government that leads to the serious defence of the spoils system. Now, a party is merely a voluntary association of citizens to secure the enforcement of a certain policy of administration upon which they are agreed. In a free government this is done by the election of legislators and of certain executive officers who are friendly to that policy. But the duty of the great body of persons employed in the minor administrative places is in no sense political. It is wholly ministerial, and

the political opinions of such persons affect the discharge of their duties no more than their religious views or their literary preferences. All that can be justly required of such persons, in the interest of the public business, is honesty, intelligence, capacity, industry, and due subordination; and to say that, when the policy of the Government is changed by the result of an election from protection to free-trade, every book-keeper and letter-carrier and messenger and porter in the public offices ought to be a free-trader, is as wise as to say that if a merchant is a Baptist every clerk in his office ought to be a believer in total immersion. But the officer of whom I spoke undoubtedly expressed the general feeling. The necessarily evil consequences of the practice which he justified seemed to be still speculative and inferential, and to the national indifference which followed the war the demand of Mr. Jenckes for reform appeared to be a mere whimsical vagary most inopportunately introduced.

It was, however, soon evident that the war had made the necessity of reform imperative, and chiefly for two reasons: first, the enormous increase of patronage, and second, the fact that circumstances had largely identified a party

name with patriotism. The great and radical evil of the spoils system was carefully fostered by the apparent absolute necessity to the public welfare of making political opinion and sympathy a condition of appointment to the smallest place. It is since the war, therefore, that the evil has run riot and that its consequences have been fully revealed. Those consequences are now familiar, and I shall not describe them. It is enough that the most patriotic and intelligent Americans and the most competent foreign observers agree that the direct and logical results of that system are the dangerous confusion of the executive and legislative powers of the Government; the conversion of politics into mere place-hunting; the extension of the mischief to State and county and city administration, and the consequent degradation of the national character; the practical disfranchisement of the people wherever the system is most powerful; and the perversion of a republic of equal citizens into a despotism of venal politicians. These are the greatest dangers that can threaten a republic, and they are due to the practice of treating the vast system of minor public places which are wholly ministerial, and whose duties are the

same under every party administration, not as public trusts, but as party perquisites. The English-speaking race has a grim sense of humor, and the absurdity of transacting the public business of a great nation in a way which would ruin both the trade and the character of a small huckster, of proceeding upon the theory—for such is the theory of the spoils system—that a man should be put in charge of a locomotive because he holds certain views of original sin, or because he polishes boots nimbly with his tongue—it is a folly so stupendous and grotesque that when it is fully perceived by the shrewd mother-wit of the Yankee it will be laughed indignantly and contemptuously away. But the laugh must have the method, and the indignation the form, of law; and now that the public mind is aroused to the true nature and tendency of the spoils system is the time to consider the practicable legal remedy for them.

The whole system of appointments in the Civil Service proceeds from the President, and in regard to his action the intention of the Constitution is indisputable. It is that the President shall appoint solely upon public considerations, and that the officer appointed shall serve as long as he discharges his duty

faithfully. This is shown in Mr. Jefferson's familiar phrase in his reply to the remonstrance of the merchants of New Haven against the removal of the collector of that port. Mr. Jefferson asserted that Mr. Adams had purposely appointed in the last moments of his administration officers whose designation he should have left to his successor. Alluding to these appointments, he says: "I shall correct the procedure, and that done, return with joy to that state of things when the only question concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the Constitution?" Mr. Jefferson here recognizes that these had been the considerations which had usually determined appointments; and Mr. Madison, in the debate upon the President's sole power of removal, declared that if a President should remove an officer for any reason not connected with efficient service he would be impeached. Reform, therefore, is merely a return to the principle and purpose of the Constitution and to the practice of the early administrations.

What more is necessary, then, for reform than that the President should return to that practice? As all places in the Civil Service are

filled either by his direct nomination or by officers whom he appoints, why has not any President ample constitutional authority to effect at any moment a complete and thorough reform? The answer is simple. He has the power. He has always had it. A President has only to do as Washington did, and all his successors have only to do likewise, and reform would be complete. Every President has but to refuse to remove non-political officers for political or personal reasons; to appoint only those whom he knows to be competent; to renominate, as Monroe and John Quincy Adams did, every faithful officer whose commission expires, and to require the heads of departments and all inferior appointing officers to conform to this practice, and the work would be done. This is apparently a short and easy and constitutional method of reform, requiring no further legislation or scheme of procedure. But why has no President adopted it? For the same reason that the best of Popes does not reform the abuses of his Church. For the same reason that a leaf goes over Niagara. It is because the opposing forces are overpowering. The same high officer of the government to whom I have alluded said to me as we drove

upon the Heights of Washington, "Do you mean that I ought not to appoint my subordinates for whom I am responsible?" I answered: "I mean that you do not appoint them now; I mean that if, when we return to the capital, you hear that your chief subordinate is dead, you will not appoint his successor. You will have to choose among the men urged upon you by certain powerful politicians. Undoubtedly you ought to appoint the man whom you believe to be the most fit. But you do not and can not. If you could or did appoint such men only, and that were the rule of your department and of the service, there would be no need of reform." And he could not deny it. There was no law to prevent his selection of the best man. Indeed, the law assumed that he would do it. The Constitution intended that he should do it. But when I reminded him that there were forces beyond the law that paralyzed the intention of the Constitution, and which would inevitably compel him to accept the choice of others, he said no more.

It is easy to assert that the reform of the Civil Service is an executive reform. So it is. But the Executive alone cannot accomplish it.

The abuses are now completely and aggressively organized, and the sturdiest President would quail before them. The President who should undertake, single-handed, to deal with the complication of administrative evils known as the Spoils System would find his party leaders in Congress and their retainers throughout the country arrayed against him; the proposal to disregard traditions and practices which are regarded as essential to the very existence and effectiveness of party organization would be stigmatized as treachery, and the President himself would be covered with odium as a traitor. The air would hum with denunciation. The measures he should favor, the appointments he might make, the recommendations of his secretaries, would be opposed and imperilled, and the success of his administration would be endangered. A President who should alone undertake thoroughly to reform the evil must feel it to be the vital and paramount issue, and must be willing to hazard everything for its success. He must have the absolute faith and the indomitable will of Luther. "Here stand I; I can no other." How can we expect a President whom this system elects to devote himself to its destruction? General Grant,

elected by a spontaneous patriotic impulse, fresh from the regulated order of military life and new to politics and politicians, saw the reason and the necessity of reform. The hero of a victorious war, at the height of his popularity, his party in undisputed and seemingly indisputable supremacy, made the attempt. Congress, good-naturedly tolerating what it considered his whim of inexperience, granted money to try an experiment. The adverse pressure was tremendous. "I am used to pressure," said the soldier. So he was, but not to this pressure. He was driven by unknown and incalculable currents. He was enveloped in whirlwinds of sophistry, scorn, and incredulity. He who upon his own line had fought it out all summer to victory, upon a line absolutely new and unknown was naturally bewildered and dismayed. So Wellington had drawn the lines of victory on the Spanish Peninsula and had saved Europe at Waterloo. But even Wellington at Waterloo could not be also Sir Robert Peel at Westminster. Even Wellington, who had overthrown Napoleon in the field, could not also be the parliamentary hero who for the welfare of his country would dare to risk the overthrow of his party.

When at last President Grant said, "If Congress adjourns without positive legislation on Civil Service reform, I shall regard such action as a disapproval of the system and shall abandon it," it was, indeed, a surrender, but it was the surrender of a champion who had honestly mistaken both the nature and the strength of the adversary and his own power of endurance.

It is not, then, reasonable, under the conditions of our Government and in the actual situation, to expect a President to go much faster or much further than public opinion. But executive action can aid most effectively the development and movement of that opinion, and the most decisive reform measures that the present administration might take would be undoubtedly supported by a powerful public sentiment. The educative results of resolute executive action, however limited and incomplete in scope, have been shown in the two great public offices of which I have spoken, the New York custom-house and the New York post-office. For nearly three years the entire practicability of reform has been demonstrated in those offices, and solely by the direction of the President. The value of such demonstra-

tions, due to the Executive will alone, carried into effect by thoroughly trained and interested subordinates, cannot be overestimated. But when they depend upon the will of a transient officer and not upon a strong public conviction, they are seeds that have no depth of soil. A vital and enduring reform in administrative methods, although it be but a return to the constitutional intention, can be accomplished only by the commanding impulse of public opinion. Permanence is secured by law, not by individual pleasure. But in this country law is only formulated public opinion. Reform of the Civil Service does not contemplate an invasion of the constitutional prerogative of the President and the Senate, nor does it propose to change the Constitution by statute. The whole system of the Civil Service proceeds, as I said, from the President, and the object of the reform movement is to enable him to fulfil the intention of the Constitution by revealing to him the desire of the country through the action of its authorized representatives. When the ground-swell of public opinion lifts Congress from the rocks, the President will gladly float with it into the deep water of wise and patriotic action. The President, indeed, has

never been the chief sinner in the Spoils System, although he has been the chief agent. Even President Jackson yielded to party pressure as much as to his own convictions. President Harrison sincerely wished to stay the flood, but it swept him away. President Grant doubtfully and with good intentions tested the pressure before yielding. President Hayes, with sturdy independence, adhered inflexibly to a few points, but his party chiefs cursed and derided him. President Garfield,—God bless and restore him!—frankly declares permanent and effective reform to be impossible without the consent of Congress. When, therefore, Congress obeys a commanding public opinion, and reflects it in legislation, it will restore to the President the untrammelled exercise of his ample constitutional powers according to the constitutional intention ; and the practical question of reform is, How shall this be brought about ?

Now, it is easy to kill weeds if we can destroy their roots, and it is not difficult to determine what the principle of reform legislation should be if we can agree upon the source of the abuses to be reformed. May they not have a common origin ? In fact, are they not all bound

together as parts of one system? The Representative in Congress, for instance, does not ask whether the interests of the public service require this removal or that appointment, but whether, directly or indirectly, either will best serve his own interests. The Senator acts from the same motives. The President, in turn, balances between the personal interests of leading politicians—President, Senators, and Representatives all wishing to pay for personal service and to conciliate personal influence. So also the party labor required of the place-holder, the task of carrying caucuses, of defeating one man and electing another, as may be ordered, the payment of the assessment levied upon his salary—all these are the price of the place. They are the taxes paid by him as conditions of receiving a personal favor. Thus the abuses have a common source, whatever may be the plea for the system from which they spring. Whether it be urged that the system is essential to party organization, or that the desire for place is a laudable political ambition, or that the Spoils System is a logical development of our political philosophy, or that new brooms sweep clean, or that any other system is un-American—whatever the form of the plea for

the abuse, the conclusion is always the same, that the minor places in the Civil Service are not public trusts, but rewards and prizes for personal and political favorites.

The root of the complex evil, then, is personal favoritism. This produces congressional dictation, senatorial usurpation, arbitrary removals, interference in elections, political assessments, and all the consequent corruption, degradation, and danger that experience has disclosed. The method of reform, therefore, must be a plan of selection for appointment which makes favoritism impossible. The general feeling undoubtedly is that this can be accomplished by a fixed limited term. But the terms of most of the offices to which the President and the Senate appoint, and upon which the myriad minor places in the service depend, have been fixed and limited for sixty years, yet it is during that very period that the chief evils of personal patronage have appeared. The law of 1820, which limited the term of important revenue offices to four years, and which was afterwards extended to other offices, was intended, as John Quincy Adams tells us, to promote the election to the presidency of Mr. Crawford, who was then Secretary of the Treas-

ury. The law was drawn by Mr. Crawford himself, and it was introduced into the Senate by one of his devoted partisans. It placed the whole body of executive financial officers at the mercy of the Secretary of the Treasury and of a majority of the Senate, and its design, as Mr. Adams says, "was to secure for Mr. Crawford the influence of all the incumbents in office, at the peril of displacement, and of five or ten times an equal number of ravenous office-seekers, eager to supplant them." This is the very substance of the Spoils System, intentionally introduced by a fixed limitation of term in place of the constitutional tenure of efficient service; and it was so far successful that it made the custom-house officers, district attorneys, marshals, registers of the land-office, receivers of public money, and even paymasters in the army, notoriously active partisans of Mr. Crawford. Mr. Benton says that the four-years' law merely made the dismissal of faithful officers easier, because the expiration of the term was regarded as "the creation of a vacancy to be filled by new appointments." A fixed limited term for the chief offices has not destroyed or modified personal influence, but, on the contrary, it has fostered universal servility and

loss of self-respect, because reappointment depends, not upon official fidelity and efficiency, but upon personal influence and favor. To fix by law the terms of places dependent upon such offices would be like an attempt to cure hydrophobia by the bite of a mad dog. The incumbent would be always busy keeping his influence in repair to secure reappointment, and the applicant would be equally busy in seeking such influence to procure the place, and as the fixed terms would be constantly expiring, the eager and angry intrigue and contest of influence would be as endless as it is now. This certainly would not be reform.

But would not reform be secured by adding to a fixed limited term the safeguard of removal for cause only? Removal for cause alone means, of course, removal for legitimate cause, such as dishonesty, negligence, or incapacity. But who shall decide that such cause exists? This must be determined either by the responsible superior officer or by some other authority. But if left to some other authority the right of counsel and the forms of a court would be invoked; the whole legal machinery of mandamuses, injunctions, certioraris, and the rules of evidence would be put in play to keep an incompetent

clerk at his desk or a sleepy watchman on his beat. Cause for the removal of a letter-carrier in the post-office or of an accountant in the custom-house would be presented with all the pomp of impeachment and established like a high crime and misdemeanor. Thus every clerk in every office would have a kind of vested interest in his place because, however careless, slovenly, or troublesome he might be, he could be displaced only by an elaborate and doubtful legal process. Moreover, if the head of a bureau or a collector, or a postmaster were obliged to prove negligence, or insolence, or incompetency against a clerk as he would prove theft, there would be no removals from the public service except for crimes of which the penal law takes cognizance. Consequently, removal would be always and justly regarded as a stigma upon character, and a man removed from a position in a public office would be virtually branded as a convicted criminal. Removal for cause, therefore, if the cause were to be decided by any authority but that of the responsible superior officer, instead of improving, would swiftly and enormously enhance the cost, and ruin the efficiency, of the public service, by destroying subordination, and making every lazy and

worthless member of it twice as careless and incompetent as he is now.

If, then, the legitimate cause for removal ought to be determined in public as in private business by the responsible appointing power, it is of the highest public necessity that the exercise of that power should be made as absolutely honest and independent as possible. But how can it be made honest and independent if it is not protected so far as practicable from the constant bribery of selfish interest and the illicit solicitation of personal influence? The experience of our large patronage offices proves conclusively that the cause of the larger number of removals is not dishonesty or incompetency; it is the desire to make vacancies to fill. This is the actual cause, whatever cause may be assigned. The removals would not be made except for the pressure of politicians. But those politicians would not press for removals if they could not secure the appointment of their favorites. Make it impossible for them to secure appointment, and the pressure would instantly disappear and arbitrary removal cease.

So long, therefore, as we permit minor appointments to be made by mere personal influence and favor, a fixed limited term and

removal during that term for cause only would not remedy the evil, because the incumbents would still be seeking influence to secure re-appointment, and the aspirants doing the same to replace them. Removal under plea of good cause would be as wanton and arbitrary as it is now, unless the power to remove were intrusted to some other discretion than that of the superior officer, and in that case the struggle for reappointment and the knowledge that removal for the term was practically impossible would totally demoralize the service. To make sure, then, that removals shall be made for legitimate cause only, we must provide that appointment shall be made only for legitimate cause.

All roads lead to Rome. Personal influence in appointments can be annulled only by free and open competition. By that bridge we can return to the practice of Washington and to the intention of the Constitution. That is the shoe of swiftness and the magic sword by which the President can pierce and outrun the protean enemy of sophistry and tradition which prevents him from asserting his power. If you say that success in a competitive literary examination does not prove fitness to adjust customs duties, or to distribute letters, or to

appraise linen, or to measure molasses, I answer that the reform does not propose that fitness shall be proved by a competitive literary examination. It proposes to annul personal influence and political favoritism by making appointment depend upon proved capacity. To determine this it proposes first to test the comparative general intelligence of all applicants and their special knowledge of the particular official duties required, and then to prove the practical faculty of the most intelligent applicants by actual trial in the performance of the duties before they are appointed. If it be still said that success in such a competition may not prove fitness, it is enough to reply that success in obtaining the favor of some kind of boss, which is the present system, presumptively proves unfitness.

Nor is it any objection to the reformed system that many efficient officers in the service could not have entered it had it been necessary to pass an examination ; it is no objection, because their efficiency is a mere chance. They were not appointed because of efficiency, but either because they were diligent politicians or because they were recommended by diligent politicians. The chance of getting efficient

men in any business is certainly not diminished by inquiry and investigation. I have heard an officer in the army say that he could select men from the ranks for special duty much more satisfactorily than they could be selected by an examination. Undoubtedly he could, because he knows his men, and he selects solely by his knowledge of their comparative fitness. If this were true of the Civil Service, if every appointing officer chose the fittest person from those that he knew, there would be no need of reform. It is because he cannot do this that the reform is necessary.

It is the same kind of objection which alleges that competition is a droll plan by which to restore the conduct of the public business to business principles and methods, since no private business selects its agents by competition. But the managers of private business are virtually free from personal influence in selecting their subordinates, and they employ and promote and dismiss them solely for the interests of the business. Their choice, however, is determined by an actual, although not a formal, competition. Like the military officer, they select those whom they know by experience to be the most competent. But if great business-

houses and corporations were exposed to persistent, insolent, and overpowering interference and solicitation for place such as obstructs great public departments and officers, they too would resort to the form of competition, as they now have its substance, and they would resort to it to secure the very freedom which they now enjoy of selecting for fitness alone.

Mr. President, in the old Arabian story, from the little box upon the sea-shore, carelessly opened by the fisherman, arose the towering and haughty demon, ever more monstrous and more threatening, who would not crouch again. So from the small patronage of the earlier day, from a Civil Service dealing with a national revenue of only \$2,000,000, and regulated upon sound business principles, has sprung the un-American, un-Democratic, un-Republican system which destroys political independence, honor, and morality, and corrodes the national character itself. In the solemn anxiety of this hour the warning words of the austere Calhoun, uttered nearly half a century ago, echo in startled recollection like words of doom: "If you do not put this thing down it will put you down." Happily it is the historic faith of the race from which we are chiefly sprung, that

eternal vigilance is the price of liberty. It is that faith which has made our mother England the great parent of free States. The same faith has made America the political hope of the world. Fortunately removed by our position from the entanglements of European politics, and more united and peaceful at home than at any time within the memory of living men, the moment is most auspicious for remedying that abuse in our political system whose nature, proportions, and perils the whole country begins clearly to discern. The will and the power to apply the remedy will be a test of the sagacity and the energy of the people. The reform of which I have spoken is essentially the people's reform. With the instinct of robbers who run with the crowd and lustily cry "Stop thief!" those who would make the public service the monopoly of a few favorites denounce the determination to open that service to the whole people as a plan to establish an aristocracy. The huge ogre of patronage, gnawing at the character, the honor, and the life of the country, grimly sneers that the people cannot help themselves and that nothing can be done. But much greater things have been done. Slavery was the Giant Despair of many good men of the

last generation, but slavery was overthrown. If the Spoils System, a monster only less threatening than slavery, be unconquerable, it is because the country has lost its convictions, its courage, and its common-sense. "I expect," said the Yankee as he surveyed a stout antagonist, "I expect that you're pretty ugly, but I cal'late I'm a darned sight uglier." I know that patronage is strong, but I believe that the American people are very much stronger.

CARL SCHURZ,*

OF NEW YORK.¹

(BORN 1829.)

THE NECESSITY AND PROGRESS OF CIVIL SERVICE
REFORM.

An Address delivered at the Annual Meeting of the National
Civil Service Reform League at Chicago,
Ill., December 12, 1894.²

WHAT Civil Service reform demands, is simply that the business part of the Government shall be carried on in a sound, business-like manner. This seems so obviously reasonable that among people of common-sense there should be no two opinions about it. And the condition of things to be reformed is so obviously unreasonable, so flagrantly absurd and vicious, that we should not believe it could possibly exist among sensible people, had we not become accustomed to its existence among ourselves. In

* For notes on Schurz, see Appendix, p. 480.

truth, we can hardly bring the whole exorbitance of that viciousness and absurdity home to our own minds unless we contemplate it as reflected in the mirror of a simile.

Imagine, then, a bank, the stockholders of which, many in number, are divided into two factions—let us call them the Jones party and the Smith party—who quarrel about some question of business policy, as, for instance, whether the bank is to issue currency or not. The Jones party is in control, but the Smith men persuade over to their side a sufficient number of Jones men to give them—the Smith men—a majority at the next stockholders' meeting. Thus they succeed in getting the upper hand. They oust the old board of directors, and elect a new board consisting of Smith men. The new Smith board at once remove all the officers, president, cashier, tellers, book-keepers, and clerks, down to the messenger boys—the good and the bad alike—simply because they are Jones men, and fill their places forthwith with new persons who are selected, not on the ground that they have in any way proved their fitness for the positions so filled, but simply because they are Smith men; and those of the Smith men who have shown the greatest

zeal and skill in getting a majority of votes for the Smith party are held to have the strongest claims for salaried places in the bank. The new men struggle painfully with the duties novel to them until they acquire some experience, but even then, it needs in many instances two men or more to do the work of one.

In the course of events dissatisfaction spreads among the stockholders with the Smith management, partly shared by ambitious Smith men who thought themselves entitled to reward in the shape of places and salaries, but were "left out in the cold." Now the time for a new stockholders' meeting arrives. After a hot fight the Jones party carries the day. Its ticket of directors being elected, off go the heads of the Smith president, the Smith cashier, the Smith tellers, the Smith bookkeepers, and clerks, to be replaced by true-blue Jones men, who have done the work of the campaign and are expected to do more of it when the next election comes. And so the career of the bank goes on with its periodical changes of party in power at longer or shorter intervals, and its corresponding clean sweeps of the bank service, with mismanagement and occasional fraud and speculation as inevitable incidents.

You might watch the proceedings of such a banking concern with intense curiosity and amusement. But I ask you, what prudent man among you would deposit his money in it, or invest in its stock? And why would you not? Because you would think that this is not sensible men's business, but foolish boys' play; that such management would necessarily result in reckless waste and dishonesty, and tend to land many of the bank's officers in Canada, and not a few of its depositors or investors in the poor-house. Such would be your judgment, and in pronouncing it you would at the same time pronounce judgment upon the manner in which the business part of our national Government, as well as of many if not most of our State and municipal governments, has been conducted for several generations. This is the spoils system. And I have by no means presented an exaggerated or even a complete picture of it; nay, rather a mild sketch, indicating only with faint touches the demoralizing influences exercised by that system with such baneful effect upon the whole political life of the nation.

Looking at the financial side of the matter alone—it is certainly bad enough; it is indeed almost incomprehensible how the spoils system

could be permitted through scores of years to vitiate our business methods in the conduct of the national revenue service, the postal service, the Indian service, the public-land service, involving us in indescribable administrative blunders, bringing about Indian wars, causing immense losses in the revenue, breeding extravagant and plundering practices in all Departments, costing our people in the course of time untold hundreds of millions of money, and making our Government one of the most wasteful in the world. All this, I say, is bad enough. It might be called discreditable enough to move any self-respecting people to shame. But the spoils system has inflicted upon the American people injuries far greater than these.

The spoils system, that practice which turns public offices, high and low, from public trusts into objects of prey and booty for the victorious party, may without extravagance of language be called one of the greatest criminals in our history, if not the greatest. In the whole catalogue of our ills there is none more dangerous to the vitality of our free institutions.

It tends to divert our whole political life from its true aims. It teaches men to seek something else in politics than the public good.

It puts mercenary selfishness as the motive power for political action in the place of public spirit, and organizes that selfishness into a dominant political force.

It attracts to active party politics the worst elements of our population, and with them crowds out the best. It transforms political parties from associations of patriotic citizens, formed to serve a public cause, into bands of mercenaries using a cause to serve them. It perverts party contests from contentions of opinion into scrambles for plunder. By stimulating the mercenary spirit it promotes the corrupt use of money in party contests and in elections.

It takes the leadership of political organizations out of the hands of men fit to be leaders of opinion and workers for high aims, and turns it over to the organizers and leaders of bands of political marauders. It creates the boss and the machine, putting the boss into the place of the statesman, and the despotism of the machine in the place of an organized public opinion.

It converts the public office-holder, who should be the servant of the people, into the servant of a party or of an influential politician, extorting from him time and work which should

belong to the public, and money which he receives from the public for public service. It corrupts his sense of duty by making him understand that his obligation to his party or his political patron is equal if not superior to his obligation to the public interest, and that his continuance in office does not depend on his fidelity to duty. It debauches his honesty by seducing him to use the opportunities of his office to indemnify himself for the burdens forced upon him as a party slave. It undermines in all directions the discipline of the public service.

It falsifies our constitutional system. It leads to the usurpation, in a large measure, of the executive power of appointment by members of the legislative branch, substituting their irresponsible views of personal or party interest for the judgment as to the public good and the sense of responsibility of the Executive. It subjects those who exercise the appointing power, from the President of the United States down, to the intrusion of hordes of office-hunters and their patrons, who rob them of the time and strength they should devote to the public interest. It has already killed two of our Presidents, one, the first Harrison, by worry,

and the other, Garfield, by murder ; and more recently it has killed a mayor in Chicago and a judge in Tennessee.⁸

It degrades our Senators and Representatives in Congress to the contemptible position of office-brokers, and even of mere agents of office-brokers, making the business of dickering about spoils as weighty to them as their duties as legislators. It introduces the patronage as an agency of corrupt influence between the Executive and the Legislature. It serves to obscure the criminal character of bribery by treating bribery with offices as a legitimate practice. It thus reconciles the popular mind to practices essentially corrupt, and thereby debauches the popular sense of right and wrong in politics.

It keeps in high political places, to the exclusion of better men, persons whose only ability consists in holding a personal following by adroit manipulation of the patronage. It has thus sadly lowered the standard of statesmanship in public position, compared with the high order of ability displayed in all other walks of life.

It does more than anything else to turn our large municipalities into sinks of corruption, to

render Tammany Halls possible, and to make of the police force here and there a protector of crime and a terror to those whose safety it is to guard. It exposes us, by the scandalous spectacle of its periodical spoils carnivals, to the ridicule and contempt of civilized mankind, promoting among our own people the growth of serious doubts as to the practicability of democratic institutions on a great scale; and in an endless variety of ways it introduces into our political life more elements of demoralization, debasement, and decadence than any other agency of evil I know of, aye, perhaps more than all other agencies of evil combined.

These are some of the injuries the spoils system has been, and still is, inflicting upon this Republic—some, I say; not all, for it is impossible to follow its subtle virus into all the channels through which it exercises its poisonous influence. But I have said enough to illustrate its pernicious effects; and what I have said is only the teaching of sober observation and long experience.

And now, if such are the evils of the spoils system, what are, by way of compensation, the virtues it possesses, and the benefits it confers? Let its defenders speak. They do not pretend

that it gives us a very efficient public service ; but they tell us that it is essentially American ; that it is necessary in order to keep alive among our people an active interest in public affairs ; that frequent rotation in office serves to give the people an intelligent insight in the nature and workings of their Government ; that without it parties cannot be held together, and party government is impossible ; and that all the officers and employees of the Government should be in political harmony with the party in power. Let us pass the points of this defence in review one by one.

First, then, in what sense can the spoils system be called essentially American ? Certainly not as to its origin. At the beginning of our national Government nothing like it was known here, or dreamed of. Had anything like it been proposed, the fathers of the Republic would have repelled it with alarm and indignation. It did, indeed, prevail in England when the monarchy was much stronger than it is now, and when the aristocracy could still be called a ruling class. But as the British Government grew more democratic, the patronage system, as a relic of feudalism, had to yield to the forces of liberalism and enlightenment until

it completely disappeared. When it invaded our national Government, forty years after its constitutional beginning, we merely took what England was casting off as an abuse inconsistent with popular government, and unworthy of a free and civilized nation. If not in origin, is the spoils system essentially American in any other sense? Only in the sense in which murder is American, or small-pox, or highway robbery, or Tammany Hall.

As to the spoils system being necessary to the end of keeping alive among our people an active interest in public affairs—where is the American who does not blush to utter such an infamous calumny? Is there no patriotism in America without plunder in sight? Was there no public spirit before spoils systems and clean sweeps cursed us, none between the battle of Lexington and Jackson's inauguration as President? Such an argument deserves as an answer only a kick from every honest American boot.

I admit, however, that there are among us some persons whose interest in public affairs does need the stimulus of office to remain alive. I am far from denying that the ambition to serve one's country as a public officer is

in itself a perfectly legitimate and honorable ambition. It certainly is. But when a man's interest in public affairs depends upon his drawing an official salary, or having such a salary in prospect, the ambition does not appear so honorable. There is too pungent a mercenary flavor about it. No doubt, even among the mercenaries may be found individuals that are capable, faithful, and useful ; but taking them as a class, the men whose active public spirit is conditional upon the possession or prospect of official spoil are those whose interest in public affairs the commonweal can most conveniently spare. Indeed, our political life would be in a much healthier condition if they did not take any part in politics at all. There would be plenty of patriotic Americans to devote themselves to the public good without such a condition. In fact, there would be more of that class in regular political activity than there are now, for they would not be jostled out by the pushing hordes of spoils-hunters, whose real interest in public affairs is that of serving themselves. The spoils system is therefore not only not a stimulus of true public spirit, but in spreading the mercenary tendency among the people it has served to baffle and discourage

true public spirit by the offensive infusion in political life of the mercenary element.

The view that the spoils system with its frequent rotations in office is needed to promote among the people a useful understanding of the nature and workings of the Government, finds, amazing as it may seem, still serious adherents among well-meaning citizens. It is based upon the assumption that the public service which is instituted to do certain business for the people, should at the same time serve as a school in which ignorant persons are to learn something about the functions of the Government. These two objects will hardly go together. If the public service is to do its business with efficiency and economy, it must of course be manned with persons fit for the work. If on the other hand it is to be used as a school to instruct ignorant people in the functions of the Government—that is, in the duties of a postmaster, or a revenue collector, or an Indian agent, or a Department clerk—then we should select for such places persons who know least about them, for they have the most to learn; and inasmuch as such persons, before having acquired the necessary knowledge, skill, and experience, will inevitably do the public business in a bungling manner, and

therefore at much inconvenience and loss to the people, they should, in justice to the taxpayers, instead of drawing salaries, pay something for the instruction they receive. For as soon as they have learned enough really to earn a salary, they will have to be turned out to make room for others, who are as ignorant and in as great need of instruction as the outgoing set had been before. Evidently this kindergarten theory of the public service is hardly worth discussion. The school of the spoils system, as it has been in operation since 1829, has educated thousands of political loafers, but not one political sage.

That the Government will not work satisfactorily unless all its officers and employees are in political harmony with the ruling party, is also one of those superstitions which some estimable people have not yet been able to shake off. While they sternly resist the argument that there is no Democratic and no Republican way of sorting letters, or of collecting taxes, or of treating Indians, as theoretical moonshine, their belief must, after all, have received a rude shock by the conduct of the last three national Administrations, including the present one.

When in 1885, after twenty-four years of

Republican ascendancy, the Democrats came into power, President Cleveland determined that, as a general rule, officers holding places covered by the four-years-term law should, if they had conducted themselves irreproachably, be permitted to serve out their four-years terms. How strictly this rule was adhered to I will not now inquire. At any rate it was adhered to in a great many cases. Many Republican office-holders, under that four-years rule, remained in place one, or two, or three years under the Democratic Administration. President Harrison, succeeding Mr. Cleveland, followed a similar rule, although to a less extent. And now President Cleveland again does the same. Not only did we have during his first term the startling spectacle of the great post-office of New York City remaining in the hands of a postmaster who was not a Democrat, but recently of the Collectorship of the port of New York, once considered the most important political office in the country, being left for a year or more in possession of a Republican.

It is clear, the Presidents who acted thus did not believe that the public interest required all the officers of the Government to be in har-

mony with the party in power. On the contrary, they thought that the public interest was served by keeping efficient officers in their places, for a considerable time at least, although they were not in such harmony. And no doubt all sensible people admit that the common weal did not suffer therefrom. The theory of the necessity of political accord between the administrative officers of the Government and the party in power has thus been thoroughly exploded by actual practice and experience. Being obliged to admit this, candid men, it is to be hoped, will go a step further in their reasoning. If those two Presidents were right in thinking that the public welfare was served by keeping meritorious officers not belonging to the ruling party in place until they had served four years, is it not wrong to deprive the country of the services of such men, made especially valuable by their accumulated experience and the training of their skill, by turning them out after the lapse of the four years? If it was for the public interest to keep them so long, is it not against the public interest not to keep them longer?

* * * * *

But all these evidences of progress I regard

as of less importance than the strength our cause has gained in public sentiment. Of this we had a vivid illustration when a year ago, upon the motion of Mr. Richard Watson Gilder, the Anti-Spoils League was set on foot for the purpose of opening communication and facilitating correspondence and, in case of need, concert of action with the friends of Civil Service reform throughout the country, and when, in a short space of time, about 10,000 citizens sent in their adhesion, representing nearly every State and Territory of the Union, and in them, the most enlightened and influential classes of society.

More encouraging still is the circumstance that now for the first time we welcome at our annual meeting not only the familiar faces of old friends, but also representatives of other organizations—Good Government clubs, working for the purification of politics; municipal leagues, whose aim is the reform of municipal governments; and commercial bodies, urging the reform of our consular service. We welcome them with especial warmth, for their presence proves that at last the true significance of Civil Service reform is being appreciated in constantly widening circles. The Good Gov-

ernment Club understands that if the moral tone of our politics, national or local, is to be lifted up, the demoralizing element of party spoil must be done away with. The Municipal League understands that if our large municipalities are to be no longer cesspools of corruption, if our municipal governments are to be made honest and business-like, if our police forces are to be kept clear of thugs and thieves, the appointments to places in the municipal service must be withdrawn from the influence of party bosses and ward ruffians, and must be strictly governed by the merit system. The merchants understand that if our consular service is to be an effective help to American commerce, and a credit to the American name, it must not be subject to periodical partisan lootings, and our consuls must not be appointed by way of favor to some influential politician, but upon a methodical ascertainment of their qualifications for the consular business; then to be promoted according to merit, and also to be salaried as befits respectable agents and representatives of a great nation. With this understanding, every Good Government Club, every Municipal League, every Chamber of Commerce or Board of Trade must be an active

Civil Service Reform Association. But more than this. Every intelligent and unprejudiced citizen, when he candidly inquires into the developments which have brought about the present state of things, will understand that of the evils which have so alarmingly demoralized our political life, and so sadly lowered this Republic in the respect of the world, many, if not most, had their origin, and find their sustenance, in that practice which treats the public offices as the plunder of victorious parties; that as, with the increase of our population, the growth of our wealth, and the multiplication of our public interests, the functions of government expand and become more complicated, those evils will grow and eventually destroy the very vitality of our free institutions, unless their prolific source be stopped; that this force can be effectually stopped not by mere occasional spasms of indignant virtue, but only by a systematic, thorough, and permanent reform. Every patriotic citizen understanding this must be a Civil Service reformer.

You may ask how far this understanding has penetrated our population. President Cleveland answers this question in his recent message. Listen to what he says: "The advantages to

the public service of an adherence to the principles of Civil Service Reform are constantly more apparent, and nothing is so encouraging to those in official life who honestly desire good government, as the increasing appreciation by our people of these advantages. A vast majority of the voters of the land are ready to insist that the time and attention of those they select to perform for them important public duties should not be distracted by doling out minor offices, and they are growing to be unanimous in regarding party organization as something that should be used in establishing party principles instead of dictating the distribution of public places as rewards for partisan activity."

With gladness I welcome this cheering assurance, coming from so high an authority. If such is the sense of "a vast majority of the voters of the land, growing to be unanimous," it may justly be called the will of the people. If it is the will of the people, what reason—nay, what excuse—can there be for further hesitation? Let the will of the people be done! Let it be done without needless delay, and let the people's President lead in doing it! Then no more spoils and plunder! No more removals not required by public interest! No

more appointments for partisan reasons! Continuance in office, regardless of any four-years rule, of meritorious public servants! Superior merit the only title to preferment! No longer can this be airily waved aside as a demand of a mere sect of political philosophers, for now it is recognized as the people's demand. No longer can Civil Service reform be cried down by the so-called practical politicians as the nebulous dream of unpractical visionaries, for it has been grasped by the popular understanding as a practical necessity—not to enervate our political life, but to lift it to a higher moral plane; not to destroy political parties, but to restore them to their legitimate functions; not to make party government impossible, but to guard it against debasement, and to inspire it with higher ambitions; not pretending to be in itself the consummation of all reforms, but being the Reform without which other reformatory efforts in government cannot be permanently successful.

Never, gentlemen, have we met under auspices more propitious. Let no exertion be spared to make the voice of the people heard. For when it is heard in its strength it will surely be obeyed.

APPENDIX.

NOTES.

ABRAHAM LINCOLN.

1. For a brief sketch of Lincoln, see vol. iii., p. 367.

2. The many biographies of Lincoln contain interesting accounts of his first inauguration. The following, taken from Herndon's *Life of Lincoln*, seems especially interesting to one studying this speech.

"Having at last reached his destination in safety, Mr. Lincoln spent the few days preceding his inauguration at Willard's Hotel, receiving an uninterrupted stream of visitors and friends. In the few unoccupied moments allotted him, he was carefully revising his inaugural address. On the morning of the 4th of March he rode from his hotel with Mr. Buchanan in an open barouche to the Capitol. There, slightly pale and nervous, he was introduced to the assembled multitude by his old friend Edward D. Baker, and in a fervid and impressive manner delivered his address. At its conclusion the customary oath was administered by the venerable Chief Justice Taney, and he was now clothed with all the powers and privileges of Chief Magistrate of the nation. He accompanied Mr. Buchanan to the White House, and here the historic bachelor of Lancaster bade him farewell, bespeaking for him a peaceful, prosperous, and successful administration.

"One who witnessed the impressive scene left the following graphic description of the inauguration and its principal inci-

dents : ' Near noon I found myself a member of the motley crowd gathered about the side entrance to Willard's Hotel. Soon an open barouche drove up, and the only occupant stepped out. A large, heavy, awkward-moving man, far advanced in years, short and thin gray hair, full face, plentifully seamed and wrinkled, head curiously inclined to the left shoulder, a low-crowned, broad-brimmed silk hat, an immense white cravat like a poultice, thrusting the old-fashioned standing collar up to the ears, dressed in black throughout, with swallow-tail coat not of the newest style. It was President Buchanan, calling to take his successor to the Capitol. In a few minutes he reappeared with Mr. Lincoln on his arm ; the two took seats side by side, and the carriage rolled away, followed by a rather disorderly and certainly not very imposing procession. I had ample time to walk to the Capitol, and no difficulty in securing a place where everything could be seen and heard to the best advantage. The attendance at the inauguration was, they told me, unusually small, many being kept away by anticipated disturbance, as it had been rumored—truly, too—that General Scott himself was fearful of an outbreak, and had made all possible military preparations to meet the emergency. A square platform had been built out from the steps to the eastern portico, with benches for distinguished spectators on three sides. Douglas, the only one I recognized, sat at the extreme end of the seat on the right of the narrow passage leading from the steps. There was no delay, and the gaunt form of the President-elect was soon visible, slowly making his way to the front. To me, at least, he was completely metamorphosed—partly by his own fault, and partly through the efforts of injudicious friends and ambitious tailors. He was raising (to gratify a very young lady, it is said) a crop of whiskers, of the blacking-brush variety, coarse, stiff, and ungraceful ; and in so doing spoiled, or at least seriously impaired, a face, which, though never hand-

some, had in its original state a peculiar power and pathos. On the present occasion the whiskers were reinforced by brand-new clothes from top to toe ; black dress-coat, instead of the usual frock, black cloth or satin vest, black pantaloons, and a glossy hat evidently just out of the box. To cap the climax of novelty he carried a huge ebony cane, with a gold head the size of an egg. In these, to him, strange habiliments, he looked so miserably uncomfortable that I could not help pitying him. Reaching the platform, his discomfort was visibly increased by not knowing what to do with hat and cane ; and so he stood there, the target for ten thousand eyes, holding cane in one hand and hat in the other, the very picture of helpless embarrassment. After some hesitation he pushed the cane into a corner of the railing, but could not find a place for the hat except on the floor, where I could see he did not like to risk it. Douglas, who fully took in the situation, came to the rescue of his old friend and rival, and held the precious hat until the owner needed it again ; a service which, if predicted two years before, would probably have astonished him. The oath of office was administered by Chief Justice Taney, whose black robes, attenuated figure, and cadaverous countenance reminded me of a galvanized corpse. Then the President came forward, and read his inaugural address in a clear and distinct voice. It was attentively listened to by all, but the closest listener was Douglas, who leaned forward as if to catch every word, nodding his head emphatically at those passages which most pleased him. There was some applause, not very much nor very enthusiastic. I must not forget to mention the presence of a Mephistopheles in the person of Senator Wigfall, of Texas, who stood with folded arms leaning against the doorway of the Capitol, looking down upon the crowd and the ceremony with a contemptuous air, which sufficiently indicated his opinion of the whole performance. To him the Southern Confederacy was already an ac-

complished fact. He lived to see it the saddest of fictions. ' "
—Herndon, *Life of Lincoln*, vol. ii., pp. 203-207.

For a brief bibliography on Lincoln, see vol. iii., p. 367.

3. The origin and nature of the Union have been a subject of much controversy. These sentences from Mr. Lincoln are to be regarded as political rather than as historical statements. For an historical examination into the origin of the Union, see Small's *Beginnings of American Nationality*, Johns Hopkins University Studies, Eighth Series, 1890.

4. In the omitted passage Lincoln refers to the function of the Supreme Court in the decision of constitutional questions. He affirmed that such decisions were binding in particular cases at law, but he denied that policies of government upon vital questions affecting the whole people were to be irrevocably fixed by decisions of the Supreme Court. Of the conflict between North and South he said: "One section of our country believes slavery is right, and ought to be extended, while the other believes it is wrong, and ought not to be extended. This is the only substantial dispute."

5. While proposing no amendments, Lincoln favored offering the people a fair opportunity to act upon the Constitution. He expressed a preference for the Convention mode of amendment as the more popular.

6. This proposed 13th amendment, guaranteeing that Congress should never interfere with slavery in the States, was among the number of conciliatory measures offered in the memorable session of Congress, 1860-1861. The amendment passed both Houses of Congress and was approved by the Legislatures of some of the States, including that of Ohio. The outbreak of the war prevented its further consideration.

JEFFERSON DAVIS.

1. For a brief sketch of Davis, see vol. iii., p. 413. Further information concerning Davis may be found in Alfriend's *Life of Davis*; P. C. Centz's *Republic of Republics*; *A Memoir of Davis* by his Wife, 2 vols.; Davis' *Short History of the Confederate States of America*; the New York *Nation* for December 12, 1889; Forney's *Reminiscences of Public Men*, vol. i., p. 89, vol. ii., p. 106.

2. On February 4, 1861, delegates from six Cotton States assembled at Montgomery to form a Southern Confederacy. These delegates were appointed by the seceding Conventions, and each State had the same number as it had electoral votes under the Federal Constitution. Howell Cobb, of Georgia, presided over the Congress. On February 8th, a constitution for the provisional government of the Confederate States was adopted, and on February 9th, by a unanimous vote of the six States present—South Carolina, Mississippi, Florida, Alabama, Georgia, and Louisiana—Jefferson Davis was elected president and Alexander H. Stephens vice-president. Davis writes: "While these events were occurring, having completed the most urgent of my duties at the capital of Mississippi, I had gone to my home, Briarfield, in Warren County, and had begun in the homely but expressive language of Mr. Clay, to 'repair my fences.' While thus engaged, notice was received of my election to the presidency of the Confederate States, with an earnest request to proceed immediately to Montgomery for inauguration." * Davis went immediately to Montgomery, and at the formal ceremony of his inauguration delivered the address of our text. A few introductory sentences are omitted from our text. The full address may

* Mrs. Davis' *Memoir*, vol. ii., pp. 17-18.

be found in Alfriend's *Life of Davis*, p. 240 ; in *Echoes from the South*, p. 137 ; in Mrs. Davis' *Memoir*, vol. ii., p. 23.

3. In the omitted passage Davis speaks of the organization of the departments of the new government, of the defences of the Confederate States, and of the probability of certain Northern States seeking admission into the Confederacy. The admission of non-slave-holding States he did not consider practicable or desirable.

4. Davis here speaks of his reluctance to assume the position to which he had been called, and of his reliance upon the wisdom and patriotism of the Southern people.

ALEXANDER HAMILTON STEPHENS.

1. Alexander H. Stephens was born near Crawfordsville, Georgia, February 11, 1812. He died at Atlanta, Georgia, March 4, 1883. He was of English ancestry. He was educated at Franklin College, now the University of Georgia, graduating in 1832 with honors. He taught for two years to pay debts contracted for his education. He was admitted to the bar in 1834, after an examination which Senator Crawford pronounced the best he had ever heard. In 1836 Stephens was elected to the lower branch of the Georgia Legislature, after a bitter campaign in which he boldly antagonized nullification. In 1843 he was nominated for Congress under the "general ticket system." An act of Congress, passed June 25, 1842, provided that the representatives to Congress from a State should be elected by districts of contiguous territory, the first regulation by Congress touching the election of Senators or Representatives. Stephens' first speech in Congress was in favor of the power of Congress to pass such a law. Georgia had not observed the law and Stephens' speech seemed to question his own right to the seat.

On the same principle, touching national control of Congressional elections, Mr. Stephens was refused his seat as Senator from Georgia in 1866, Georgia not having complied with the terms of Congress for re-admission.

Stephens, as a Whig, opposed President Polk in the Mexican War, but he accepted the results of that war as favorable to Southern interests. In 1850 he opposed the secession movement in the South, and he sustained the compromises of 1850, regarding California's admission as a free State as repealing the Missouri restriction. He was one of the authors of the "Georgia Platform" of 1850; which resolved that "we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate."

Stephens left the Whig party in 1852 and soon became an independent Democrat. He, with Toombs and others, issued a card on July 3, 1852, which Stephens wrote, setting forth their reasons for refusing to support Scott. Webster was nominated for President independently, and Toombs and Stephens voted for him after he was dead. Stephens supported Douglas in the repeal of the Missouri Compromise in 1854, and Buchanan for President in 1856.

In 1859 Stephens retired from Congress and in a farewell speech at Augusta he intimated that the way to get more slaves and settle the new territories with slave-holding voters was to re-open the African slave trade; and he asserted that Southern interests were now safe within the Union, that "there was not a ripple upon the surface."

In 1860 he supported Douglas for president in preference to Breckenridge, the professed advocate of States' rights. In 1861 he became the vice-president of the Confederate States, elected for the term of six years.

In 1865 he was at the head of the Peace Commission on behalf of the Confederate Government, at the Hampton Roads Conference. In 1868 he was elected Professor of History and

Political Science in the University of Georgia, but declined the appointment on account of ill health. For several years he was engaged in literary work, and in 1874 he was elected to Congress and served continuously in that body till his resignation in 1882. He wrote *The War Between the States*, which is recognized as the best Constitutional defence of the Southern cause.

See Appleton's *Cyclopædia of American Biography*; Johnston and Browne's *Life of A. H. Stephens*.

2. Stephens was the leader in Georgia of the body of opinion which opposed immediate secession. On November 14, 1860, before the Georgia Legislature, he made a notable speech in opposition to the secession movement. The speech had great weight and attracted wide attention. Again, in the Secession Convention of Georgia, in January, 1861, Stephens opposed secession, favoring co-operation with the other slave States, a policy which meant delay. But the secession policy having been determined upon, Stephens acquiesced and followed the fortunes of his State. After his election as vice-president of the Confederacy, February 9, 1861, and upon his return to Georgia, he was invited to address the citizens of Savannah on the state of public affairs. He gave, on March 21st, the speech of our text which has become famous as the "Corner-Stone Speech," from Mr. Stephens' open and bold avowal that the fundamental idea of the new government, "the corner-stone of the edifice, was the great truth that the negro is not the equal of the white man; that slavery—subordination to the superior race—is his natural and normal condition." This utterance was used in reproach of the Confederate cause before the public opinion of the world, and was extensively quoted in the North as indicative of the real inspiration behind the secession movement, as boldly expressed by the sincerest and frankest public man in the Confederacy.

Of this speech and its occasion, Johnston and Browne in their *Life of Stephens* say: "The Athenæum building was crowded to its utmost capacity, and a large assemblage collected outside the building and remained though unable to gain admittance. The address, from an expression which occurs in it, and which was grossly misrepresented, was known as the 'Corner-stone' speech. It was delivered impromptu and very imperfectly reported." For various reports and reproductions of the speech, see MacPherson's *History of the Rebellion*, p. 103; *Echoes from the South*, p. 77; Greeley's *American Conflict*, vol. i., pp. 417-418; Moore's *Rebellion Record*, vol. i., Docs. p. 44; *New York Tribune* of March 27, 1861. For discussions of the Speech, see Johnston and Browne's *Life of Stephens*; Cleveland's *Life of Stephens*; Rhodes' *United States History*, vol. iii., p. 324; Stephens' *War Between the States*, vol. ii., pp. 84-85.

3. The revenue clause of the Confederate constitution, corresponding to Art. I., Sec. 8, of the United States Constitution, was as follows :

"Congress shall have power to lay and collect taxes, duties, imposts and excises for revenue necessary, to pay the debts, provide for the common defense and carry on the government of the Confederate States; but no bounties shall be granted from the treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry."

4. 'To the third grant of power to Congress in the United States Constitution, which reads, "To regulate Commerce with foreign Nations and among the several States, and with the Indian Tribes," the Confederate constitution added the following: "But neither this, nor any other clause contained in the constitution, shall ever be construed to delegate the power to congress to appropriate money for any internal im-

provement intended to facilitate commerce; except for the purpose of furnishing lights, beacons and buoys, and other aids to navigation upon the coasts, and the improvement of harbors, and the removing of obstructions in river navigation; in all such cases such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof."

5. The omitted sentence is, "Notwithstanding this opposition, millions of money in the common treasury had been drawn for such purposes."

6. "All this was done to open up an outlet for our products of the interior, and those to the west of us, to reach the marts of the world."

7. The omitted paragraph is as follows:

"If the mouth of the Savannah River has to be cleared out, let the sea-going navigation which is benefited by it bear the burden. So with the mouths of the Alabama and Mississippi rivers. Just as the products of the interior, our cotton, wheat, corn, and other articles have to bear the necessary rates of freight over our railroads to reach the sea."

8. Stephens here expresses his high appreciation of the English ministerial Cabinet system of government. Many American publicists agree with him that the English system of making the executive ministry responsible to the Commons brings representative government more easily within popular control.

9. This is the passage which gave name and note to the speech. In his *War Between the States*, Stephens says of this passage: "In the corner-stone metaphor I did but repeat what Judge Baldwin, of the Supreme Court of the United States, had said of the Federal Government itself, in the case

of Johnson *vs.* Tomkins. In that case he declared that the foundations of this Government are laid, and rest on the rights of property in slaves, and the whole fabric must fall by disturbing the corner-stone."

"It was disturbed, as we have seen, and the only intended difference between the 'old edifice' and the 'new' in this respect, was to fix the corner-stone more firmly in its proper place in the latter, than it had been in the former. This is the substance of that speech; and there is no conflict between the sentiments expressed in both upon the same subject matter."—(*War Between the States*, vol. ii., p. 86.)

Stephens' critics had compared the "Corner-stone" speech with a speech of Stephens on the annexation of Texas in 1845, and they had charged the author with inconsistency. In the Texas speech Stephens had said: "Liberty always had charms for me, and I would rejoice to see all the sons of Adam's family, in every land and clime, in the enjoyment of those rights which are set forth in our Declaration of Independence as 'natural and inalienable,' if a *stern necessity*, bearing the marks and impress of the hand of the Creator himself, did not, in some cases, interpose and prevent. Such is the case with the States where slavery now exists."—(*War Between the States*, vol. ii., p. 85.)

10. Mr. Stephens here turns to discuss the future of the South. He contended that in extent of territory and material wealth the South had all the essential elements of a high national career. He looked forward to the time when the border States would join the Confederacy.

11. Stephens expresses the anticipation that separation would not be attended with such ills as had been at first expected by many, and he turns again to discuss the bright future before the South.

JOHN CABELL BRECKENRIDGE.

AND

EDWARD D. BAKER.

1. The following brief sketches of Breckenridge and Baker are taken from Poore's *Political Register and Congressional Directory* :

" John Cabell Breckenridge was born near Lexington, Ky., January 21, 1821; received a classical education at Centre College; studied law at the Transylvania Institute; was admitted to the bar, and went to Burlington, Iowa, with the intention of settling there, but soon returned, and commenced practice at Lexington, Kentucky; served in the Mexican War as major of the Third Kentucky Volunteers; was a member of the State Legislature; was elected a representative from Kentucky in the Thirty-second Congress as a Democrat; was re-elected to the Thirty-third Congress, serving from December 1, 1851, to March 3, 1855; was tendered the mission to Spain and declined it; was elected Vice-President of the United States in 1856; was defeated as the Democratic candidate for President in 1860; was elected United States Senator from Kentucky in the place of John J. Crittenden, Whig; served from July 4, 1861, to August 6, 1861, and was expelled December 4, 1861; entered the Confederate States army as major-general; was secretary of war of the Confederate States government from January, 1865, to April, 1865, visited Europe and remained there until 1868, when he returned to Lexington, Kentucky, where he died, May 17, 1875."

" Edward Dickinson Baker was born at London, England, February 24, 1811; was brought to the United States in 1815 by his father, who first settled in Philadelphia as a weaver, and taught the boy that trade; in 1825 the family removed to Illinois, where the boy attended public school. He then

studied law, and served as a private in the Black Hawk War. Admitted to the bar in Greene County, he commenced practice at Springfield; was a member of the State House of Representatives in 1837, and of the State Senate in 1840-44; was elected a Representative from Illinois in the Twenty-ninth Congress, as a Whig, serving from December 1, 1845, until December 30, 1846, when he resigned, having previously been commissioned as colonel of the Fourth Regiment of Illinois Volunteers. Serving in the war against Mexico, he participated in the siege of Vera Cruz, and commanded a brigade at Cerro Gordo; removed after the war to Galena, Illinois, and was again elected to the Thirty-first Congress, receiving 10,325 votes against 9,302 votes for Wells, Democrat, and serving from December 3, 1849, to March 3, 1851; declined a re-election; removed to California in 1851, and practised law; removed to Oregon in 1860, and was elected a United States Senator from that State, taking his seat December 5, 1860; raised a regiment of California volunteers in New York and Philadelphia at the breaking out of the Civil War, and took the field as its colonel; commanded a brigade at the battle of Ball's Bluff, where he was killed, October 21, 1861."

2. The occasion of this discussion between Breckenridge and Baker was the consideration of a bill to suppress insurrection and sedition in the seceding States, known as the "Insurrection and Sedition Bill" (Senate Bill No. 33). The bill was introduced into the Senate by Senator Trumbull, of Illinois, Chairman of the Judiciary Committee, on July 17, 1861. The Insurrection and Sedition Act was postponed in the Senate until the following December, and it should not be confounded with the Confiscation Act, proposing to confiscate property used in aid of insurrection, which was introduced, also by Senator Trumbull, on July 15th.

Mr. Lincoln called Congress to meet in extraordinary session.

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sion on July 4, 1861. Congress devoted itself to financial and military measures which were rendered necessary by the fact of war. It directed a blockade of Southern ports ; authorized a loan and voted large appropriations ; provided for calling out 500,000 volunteers, passed acts defining and punishing conspiracy against the United States, and on August 3, 1861, passed the Confiscation Act, confiscating property used in aid of the rebellion. The Insurrection and Sedition Act also received considerable attention in the Senate. It provided, in substance, that the President might declare certain districts in insurrection ; that in these districts the military should supersede the writ of habeas corpus ; that persons found aiding or abetting the enemies of the United States might be arraigned for trial on the charge of sedition or treason, and punished accordingly ; and that suspected persons might be required to take the oath of allegiance, to be detained as prisoners on refusal, and to suffer the death penalty if, having taken the oath, they were afterwards found in arms against the United States.*

In the discussion on August 1st, Mr. Collamer, a Republican Senator from Vermont, spoke in opposition to the bill. His ground of opposition was that a state of war existed, and the question as to how the war should be carried on was for executive determination ; that the war could not be regulated by Acts of Congress, but must be conducted according to the usages of nations and the laws of war. Collamer favored a vigorous prosecution of the war, but he thought that legislation of this kind by Congress was not necessary to that end. Congress could not pretend to give directions in all military affairs with which a commanding general would have to deal—

* The amended bill, as it was under discussion, may be found in the *Congressional Globe*, 1st sess., 37th Congress, p. 336.

such as exchange of prisoners, seizure of forts, punishment of spies—and there was no use in merely making advances in that direction, as this bill proposed. The executive authority should be left free to conduct the war after the manner of war. Trumbull answered Collamer by quoting Congressional precedents for such regulations. Following Trumbull, Breckenridge spoke as recorded in our text.

Mr. John W. Forney, in his *Anecdotes of Public Men*, speaking of this discussion, says: "Perhaps the most dramatic scene that ever took place in the Senate Chamber, old or new, was that between Mr. Breckenridge and Colonel E. D. Baker, of Oregon, on the first of August, 1861, five days before the adjournment *sine die*, in the darkest period of the war, when the rebellion was most defiant and hopeful. The last week of that July was full of excitement in Congress and the country, and I know how much labor and patience it required to keep alive the hopes of the people. The course of Mr. Powell and Mr. Breckenridge of Kentucky, and Mr. Bright of Indiana, in opposing the government, had nearly obliterated party feeling in the Senate. Mr. McDougall of California, Mr. Rice of Minnesota, Mr. Thompson of New Jersey, all Democrats, had declared for force to crush the rebellion. These men were especially emphatic, though closely endeared to Mr. Breckenridge. Mr. Thompson of New Jersey, spoke loudly and firmly from his seat, 'I shall vote for the bill as a war measure,—I am in favor of carrying on the war to crush out the rebellion.' The same day Mr. McDougall questioned the right of Mr. Powell of Kentucky, to his seat in the Senate. Andrew Johnson reiterated his determination to stand by the flag to the last. Mr. Carlile of West Virginia, would vote for force to put down the rebel foe. It was in the midst of this feeling that Mr. Breckenridge rose to make his last formal indictment against the Government. Never shall I forget the scene. Mr. Baker was a Senator and a soldier. He al-

ternated between his seat in the Capitol and his tent in the field. He came in at the eastern door (while Mr. Breckenridge was speaking) in his blue coat and fatigue cap, riding-whip in hand. He paused and listened to the 'polished treason,' as he afterwards called it, of the Senator from Kentucky, and, when he sat down, he replied with a fervor never to be forgotten."—Pp. 42, 43, Forney's *Anecdotes of Public Men*.

3. The Confiscation Act did not finally pass the House until August 3, 1861. See *Congressional Globe*, 1st Sess., 37th Cong., p. 431.

4. In the omission Breckenridge speaks in objection to specific sections of the bill, reciting the sections. He refers with approval to Senator Saulsbury's (of Delaware) remark that the bill conferred authority which never was exercised in the worst days of Rome by the worst of her dictators. Under it "the army may be used to collect the enormous direct taxes for which preparation is now being made by Congress, and, if in any part of Illinois, or Indiana, or New York, or any State, North or South, there shall be difficulty or resistance, the President in his discretion may declare it in a state of insurrection, all civil authorities may be overthrown, and his military commander may make rules and regulations, collect taxes, and execute the laws at his pleasure."

5. Mr. Breckenridge continues in his argument to the effect that the war was unconstitutional, that the war power of Congress did not apply to internal difficulties, but that the Constitution could not be set aside for the laws of war. His plea is that the Constitution cannot be set aside and at the same time that war cannot be conducted with the Constitution in operation. The application of his doctrine would have handicapped the Government effectually.

6. In a brief omission Baker assures the Senate and the country that the Northwest will stand, pledging its blood and treasure for the restoration of the Union and the enforcement of the Constitution.

7. Of the participants in this discussion Mr. Blaine says :

“ Baker laid his sword upon his desk and sat for some time listening to the debate. He was evidently impressed by the scene of which he was himself a conspicuous feature. Breckenridge took the floor shortly after Baker appeared, and made a speech, of which it is a fair criticism to say that it reflected in all respects the views held by the members of the Confederate congress then in session at Richmond. Colonel Baker evidently grew restive under the words of Mr. Breckenridge. His face was aglow with excitement, and he sprang to the floor when the Senator from Kentucky took his seat. His reply, abounding in denunciation and invective, was not lacking in the more solid and convincing argument. . . . It is impossible to realize the effect of the words so eloquently pronounced by the Oregon Senator. In the history of the Senate no more thrilling speech was ever delivered. The striking appearance of the speaker in the uniform of a soldier, his superb voice, his graceful manner, all united to give the occasion an extraordinary interest and attraction.

“ The reply of Mr. Breckenridge was tame and ineffective. He did not repel the fierce characterizations with which Colonel Baker had overwhelmed him. He did not stop to resent them, though he was a man of unquestioned courage. One incident of his speech was grotesquely amusing. He was under the impression that the suggestion in regard to the Tarpeian Rock had been made by Mr. Sumner, and he proceeded to denounce the Senator from Massachusetts with bitter indignation. Mr. Sumner looked surprised, but, having become accustomed to abuse from the South, said nothing. When next day it was shown by the *Globe* that Mr. Fessenden was

the offender, Mr. Breckenridge neither apologized to Mr. Sumner nor attacked the Senator from Maine. The first was manifestly his duty. From the second he excused himself for obvious reasons. After his experience with Baker, Breckenridge evidently did not court a conflict with Fessenden."—*Twenty Years of Congress*, vol. i., pp. 344, 345.

CLEMENT L. VALLANDIGHAM.

1. Clement L. Vallandigham was born at Lisbon, Ohio, July 29, 1820 ; received a classical education, studying one year at Jefferson College, Ohio ; removed to Maryland, where he was for two years preceptor of an academy at Snow Hill ; returned to Ohio in 1840 ; studied law ; was admitted to the bar in 1842, and commenced practice at Dayton, Ohio ; edited the *Dayton Empire*, 1847–1849 ; was elected to Congress from Ohio, as a Democrat, serving from May 25, 1858, to March 3, 1863 ; was defeated for Congress in 1862 by Robert C. Schenck ; was arrested by the Union military authorities in 1863 for having expressed his approval of the Rebellion, and banished to the Confederate States, but he went from Wilmington to Bermuda, and thence to Canada, where he remained until peace was restored ; during his exile he was defeated, in 1864, as the Democratic candidate for Governor of Ohio by over 100,000 majority ; was a delegate to the National Democratic Conventions at Chicago in 1864, and at New York in 1868 ; his death occurred June 17, 1871, caused by the accidental discharge of a pistol in his own hand while illustrating his theory of the manner in which a homicide might have been a suicide.—See Poore's *Congressional Directory and Political Register* ; Appleton's *Cyclopædia of American Biography*.

2. Vallandigham was an anti-war Democrat. He was violent and bitter in his denunciations of the course of the Ad-

ministration in the conduct of the war. He was brave and defiant, and he seemed ready to suffer for his right to speak against the policy of preserving the Union by war. Mr. Wright, a Representative from Pennsylvania, had introduced a series of resolutions asserting that "the rebellion was deliberately wicked and without reasonable cause"; that it was "the duty of the Government to put it down without regard to cost; that there should be no peace while armed opposition menaces the capital and threatens the overthrow of the Union"; that "any man who would entertain peace upon the conditions of a dismembered Union was a traitor to his country and unworthy the protection of its laws"; that "the Union restored, the war should cease, and the seceding States be received into the Union with all the privileges and immunities to which they were originally entitled." On January 14, 1863, Vallandigham spoke in opposition to these resolutions. His full speech may be found in the *Congressional Globe*, 3d Session, 37th Congress, Part ii., Appendix. In the first part of his speech, omitted from our text, Vallandigham traces the policy of the Administration since the opening of the war, and he especially inveighed against the suspension of civil rights by the Executive. He placed the responsibility for civil war upon the United States Government.

3. In the omission Vallandigham expresses the opinion that civil war would have been brought on, sooner or later, by the spirit of intervention, even though slavery had not existed in America.

4. "And when for eight years past, over and over again, I have proclaimed to the people that the success of a sectional anti-slavery party would be the beginning of disunion and civil war in America, I believed it."

5. Mr. Vallandigham interjects a remark into the quotation

which he is using, to the effect that the Administration had now reached the imperial and despotic stage.

6. This he contended would be the inevitable result of the war policy.

7. The omitted sentences are :

“ I stamp upon such a maxim. No state can endure a single generation whose public men practice it. Whoever teaches it is a corrupter of youth. What we most want in these times, and at all times, is honest and independent public men. That man who is dishonest in politics is not honest, at heart, in anything ; and sometimes moral cowardice is dishonesty. Do right ; and trust to God and truth and the people.”

8. The omission is as follows :

“ Had I not read history ? Did I not know human nature ? But I appealed to *Time* and right nobly hath the Avenger answered me.”

9. The following celebrated passage occurs at this omission :

“ War for the Union ; a union of consent and good will. Our Southern brethren were to be whipped back into love and fellowship at the point of the bayonet. Oh, monstrous delusion ! I can comprehend a war to compel a people to accept a master ; to change a form of government ; to give up territory ; to abolish a domestic institution—in short, a war of conquest and subjugation ; but a war for Union ! Was the Union thus made ? Was it ever thus preserved ? Sir, history will record that after nearly six thousand years of folly and wickedness in every form and administration of government, theocratic, democratic, monarchic, oligarchic, despotic, and mixed, it was reserved to American statesmanship in the nineteenth century of the Christian era to try the grand experiment, on a scale the most costly and gigantic in its proportions, of creating love by force, and developing fraternal affection by war ; and

history will record, too, on the same page, the utter, disastrous, and most bloody failure of the experiment."

10. He quotes at this point, from Calhoun's speech on the Loan Bill, July 29, 1841. Calhoun said:

"I hold that there is a distinction in this respect between a state of peace and war. In the latter, the right of withholding supplies ought ever to be held subordinate to the energetic and successful prosecution of the war. I go further, and regard the withholding supplies, *with a view of forcing the country into a dishonorable peace*, as not only to be what it has been called, moral treason, but very little short of actual treason itself! It was this which rendered the attempt to withhold supplies by the Federal party during the late war so odious." — *Calhoun's Works*, vol. iv., p. 3.

11. Vallandigham continued his speech at great length.

HENRY WARD BEECHER.

1. Henry Ward Beecher was born at Litchfield, Connecticut, June 24, 1813; graduated at Amherst College in 1834; studied theology at Lane Seminary under his father, Lyman Beecher; settled as a Presbyterian minister in Lawrenceburgh, Indiana, in 1837; removed to Indianapolis in 1839, where he preached until 1847, when he received a call to Plymouth Church, Brooklyn. Here he acquired a reputation as a pulpit orator of the first rank, which he maintained throughout his life. He became prominent, also, as a platform orator and lecturer, discussing the great social and political questions of the day, especially the subjects of slavery and temperance. He was greatly interested in politics, often preached political sermons, and in 1856 and 1860 he took an active part in the campaigns for Frémont and Lincoln. In 1884 Mr. Beecher

supported Mr. Cleveland for the presidency and thus alienated many of his former political admirers. He died in Brooklyn, New York, March 8, 1887.

2. This oration was one of a series of addresses delivered by Mr. Beecher in England in the fall of 1863. Mr. Beecher had gone to Europe for a period of rest and recuperation. It was said at the time that he had been sent by the Government to try to influence English opinion; but this was not the case. Mr. Beecher had at first resolved not to speak in England, but was finally prevailed upon to do so by the earnest solicitation of friends of the American cause there. In speaking in a private letter of his visit to England, Beecher said: "I should not hesitate to pass on, refusing to speak, but for one circumstance. There is a struggling band of noble men who from the first have been true to us and are advocating, through good report and evil report, American ideas in England. Should they say to me, 'You owe it to true friends who have been faithful to you in the darkest hours, to strengthen their hands and give them whatever influence your presence may exert,' I do not see how I could refuse to listen and comply."

After Mr. Beecher's return to America, Dr. Oliver Wendell Holmes published an article in the *Atlantic Monthly* (January, 1864) entitled "The Minister Plenipotentiary." "This article," says Mr. Beecher's biographer, "is the best description of Mr. Beecher's extraordinary triumph in England that has ever been published, and it shows the profound effect which his unauthorized, but splendidly authenticated mission had, both abroad and at home."* From the article of Dr. Holmes we take the following extract:

* *Beecher's Patriotic Addresses*, edited by John R. Howard, p. 96 (Fords, Howard, & Hulbert). Dr. Holmes' article is reprinted in this volume.

“After a few months’ absence he returns to America, having finished a more remarkable embassy than any envoy who has represented us in Europe since Franklin pleaded the cause of the young Republic at the Court of Versailles. He kissed no royal hand, he talked with no courtly diplomatists, he was the guest of no titled legislator, he had no official existence. But through the heart of the people he reached nobles, ministers, courtiers, the throne itself. . . . Mr. Beecher made a single speech in Great Britain, but it was delivered piecemeal in different places. Its exordium was uttered on the ninth of October at Manchester, and its peroration was pronounced on the twentieth of the same month in Exeter Hall. He has himself furnished us an analysis of the train of representations and arguments of which this protracted and many-jointed oration was made up. At Manchester he attempted to give a history of that series of political movements, extending through half a century, the logical and inevitable end of which was open conflict between the two opposing forces of Freedom and Slavery. At Glasgow his discourse seems to have been almost unpremeditated. . . . Having magnetized his Glasgow audience, he continued the subject already opened at Manchester, by showing, in the midst of that great toiling population, the deadly influence exerted by Slavery in bringing labor into contempt, and its ruinous consequences to the free workingman everywhere. In Edinburgh he explained how the Nation grew up out of separate States, each jealous of its special sovereignty; how the struggle for the control of the united Nation, after leaving it for a long time in the hands of the South, to be used in favor of slavery, at length gave it into those of the North, whose influence was to be for Freedom; and that for this reason the South, when it could no longer rule the Nation, rebelled against it. In Liverpool, the centre of vast commercial and manufacturing interests, he showed how those interests are injured by Slavery,—‘that this

attempt to cover the fairest portion of the earth with a slave-population that buys nothing, and a degraded white population that buys next to nothing, should array against it the sympathy of every true political economist and every thoughtful and far-seeing manufacturer, as tending to strike at the vital want of commerce,—not the want of cotton, but the want of customers. . . .’

“In his great closing effort at Exeter Hall in London, Mr. Beecher began by disclaiming the honor of having been a pioneer in the anti-slavery movement, which he found in progress at his entry upon public life, when he ‘fell into the ranks, and fought as well as he knew how, in the ranks or in command.’ He unfolded before his audience the plan and connection of his previous addresses, showing how they were related to each other as parts of a consecutive series. He had endeavored, he told them, to enlist the judgment, the conscience, the interests of the British people against the attempt to spread Slavery over the continent, and the rebellion it has kindled. He had shown that Slavery was the only cause of the war, that sympathy with the South was only aiding the building up of a slave empire, that the North was contending for its own existence and that of popular institutions.”

In speaking of the influence of these speeches Dr. Holmes says :

“But, in point of fact, this unofficial visit of a private citizen—in connection with these addresses delivered to miscellaneous crowds by an envoy not extraordinary and a minister nullipotentary, for all that his credentials showed—was an event of national importance. It was much more than this ; it was the beginning of a new order of things in the relations of nations to each other. It is but a little while since any graceless woman who helped a crowned profligate to break the commandments could light a national quarrel with the taper that sealed her *billets doux* to his equerries and grooms, and

kindle it to a war with the fan that was supposed to hide her blushes. More and more, by virtue of advancing civilization and easy intercourse between distant lands, the average common sense and intelligence of the people begin to reach from nation to nation. Mr. Beecher's visit is the most notable expression of this movement of national life. It marks the *nisus formativus* which begins the organization of that unwritten and only half-spoken public opinion recognized by Mr. Cobden as a great underlying force even in England. It needs a little republican pollen-dust to cause the evolution of its else barren germs. The fruit of Mr. Beecher's visit will ripen in due time, not only in direct results, but in opening the way to future moral embassies, going forth unheralded, unsanctioned by state documents, in the simple strength of Christian manhood, on their errands of truth and peace."

In Mr. Beecher's own account of his English speeches he says of his address at Liverpool :

"I went from there (Edinburgh) to Liverpool. If I supposed I had had a stormy time, I found out my mistake when I got there. Liverpool was worse than all the rest put together. My life was threatened, and I had had communications to the effect that I had better not venture there. The streets were placarded with the most scurrilous and abusive cards, and I brought home some of them and they are in the Brooklyn Historical Society now. It so happened, I believe, that the Congregational Association of England and Wales was in session there, and pretty much all of the members were present on the platform. I suppose there were five hundred people on the platform behind me. There were men in the galleries and boxes who came armed, and some bold men on our side went up into those boxes and drew their knives and pistols and said to these young bloods, 'The first man that fires here will rue it.' I heard a good many narratives of that kind afterward, but I knew nothing of it at the time. But of

all confusions and turmoils and whirls I never saw the like. I got control of the meeting in about an hour and a half, and then I had a clear road the rest of the way. We carried the meeting, but it required a three-hours' use of my voice at its utmost strength. I sometimes felt like a shipmaster attempting to preach on board of a ship through a speaking trumpet, with a tornado on the sea and a mutiny among the men. By this time my voice was pretty much all used up, and I had yet got to go to Exeter Hall in London."*

3. The "Morrill Tariff," of 1861, had increased our import duties on foreign goods and it was, therefore, not favorably considered in Great Britain.

4. At this point Mr. Beecher makes a comparison between the slave States and the free, showing the greater material prosperity, and therefore the greater buying capacity, in the free States.

5. In the passage omitted, Mr. Beecher addresses himself to the question of the tariff. He maintained that the Southerners were the earliest supporters of the tariff and were equally with the Northerners responsible for it, and that the Morrill tariff was a necessity on account of the debts and increasing burdens of the Government. He asserted that as soon as the war was over and "we get our national debt into proper shape, nothing is more certain in the future than that America is bound to join with Great Britain in the world-wide doctrine of free trade." Beecher then turned to explain the proposed Northern policy of limiting slavery to its present limits, and he asserted that this policy would lead to the early decline of slavery and that the South seceded to preserve slavery and to defend it.

* See Howard's *Patriotic Addresses of Beecher*, pp. 646, 647.

6. In the omission Beecher asserts that the North was contending for the Union in the feeling that the Union was fatal to slavery. It was because the South felt that the Union was against slavery that they left.

7. The following extract is taken from Howard's edition of *Beecher's Patriotic Addresses*:

"Mr. Beecher's resuming his seat was the signal for another outburst of loud and prolonged cheers, hisses, groans, cat-calls, and every conceivable species of expression of approbation and disapprobation. Three cheers were proposed for the lecturer from the galleries, and enthusiastically given.

"The Rev. C. M. Birrell then came forward and said it would have been very unlike the fairness of Englishmen if that assembly had not given to a distinguished stranger (hisses) a fair and impartial hearing; and it would have been as unlike a free American to demand of Englishmen that they should accept his opinions merely because they were his. But, since Mr. Beecher had given to them, under circumstances of great difficulty, and with marvellous courtesy and patience (hear, hear), an elaborate, temperate, and most eloquent lecture, he called upon them to render him a cordial vote of thanks. (Hear, hear, and renewed hisses.) He expected that that vote would be joined in by all the representatives of the American slaveholders in that assembly, considering that they had had more instruction that night than they had apparently received during all the previous part of their lives. ('Oh, oh,' cheers and laughter.)

"Mr. W. Crossfield, in seconding the resolution, said, as an inhabitant of Liverpool, he had been ashamed at the conduct of that meeting—an assembly of gentlemen, or those who professed to be gentlemen. For himself he most cordially thanked Mr. Beecher for the very interesting lecture they had had.

"The vote was carried with loud and prolonged cheering amid the waving of hats."

ABRAHAM LINCOLN.

1. "The days of the Confederacy were evidently numbered. Only the last blow remained to be struck. Then Lincoln's second inauguration came and with it his second inaugural address. Lincoln's famous 'Gettysburg speech,' has been much and justly admired. But far greater as well as far more characteristic, was that inaugural in which he poured out the whole devotion and tenderness of his great soul. It had all the solemnity of a father's last admonition and blessing to his children before he lay down to die. . . . No American President had ever spoken words like these to the American people. America never had a President who found such words in the depth of his heart."—Carl Schurz' *Essay on Abraham Lincoln*, pp. 103, 104.

HENRY WINTER DAVIS.

1. Henry Winter Davis was born at Annapolis, Maryland, August 16, 1817; graduated at Kenyon College in 1837; studied law at the University of Virginia; commenced the practice of the law at Alexandria, Virginia; removed, in 1850, to Baltimore, where he practised law and engaged in literary pursuits; was a Whig in politics, and made a reputation as an orator and controversialist in the Scott campaign of 1852; was elected to Congress in 1854, and was re-elected in 1856 and again in 1858; after the dissolution of the Whig party he joined the Knownothing, or American party; was again in Congress, 1863-65; he died at Baltimore, Maryland, Decem-

ber 20, 1865. In the notable contest for the Speakership in 1859, Davis voted for Pennington, the Republican candidate, and he thus drew upon himself much abuse and reproach. The Legislature of Maryland "decorated him with its censure," as he expressed it on the floor of the House; but he declared to his constituents that, if they would not allow their Representative to exercise his private judgment as to what were the best interests of the State, "You may send a slave to Congress, but you cannot send me." After the outbreak of the war Davis announced himself an unconditional Union man, and made a campaign for Congress on that declaration, but he was defeated. He heartily supported the policy of the Administration in the conduct of the war but deprecated the assumption of extraordinary powers by the Executive. He denounced Congress as cowardly for not authorizing the Executive to do by law what he was expected to do. His disagreement with the President on the reconstruction of the Southern States is brought out in his speech.

The Speeches and Addresses of Henry Winter Davis were published in a single volume in 1867, together with the eulogy on him delivered in the hall of the House of Representatives by his colleague, Hon. A. J. Cresswell, February 22, 1856 (Harper and Bros.).

See, also, Appleton's *Cyclopædia of American Biography*; Poore's *Congressional Directory and Political Register*.

2. The bill upon which this speech of Mr. Davis was made set forth what is known as the "Wade-Davis Plan" of reconstruction. It came before the House on March 22, 1864, and passed that body May 4 1864, by a vote of 73 to 59. It passed the Senate on the last day of the session early in July, and was prevented from becoming a law only by the pocket veto of President Lincoln. Mr. Lincoln issued a proclamation to the country presenting his reasons for not signing the bill.

This was soon answered by the "Wade-Davis Manifesto."* The Wade-Davis plan provided, briefly, as follows: The President was to appoint Provisional Governors for the States, who were to enroll white voters by the aid of the United States Marshals. When a majority of these voters should take the oath of allegiance they might hold a State Convention, excluding as voters and delegates all Confederate officers and all who had voluntarily served against the United States. The State Constitution was to repudiate the rebel debt, abolish slavery, and prohibit the higher officers of the Confederacy, civil, and military, from holding office. After this had been done the Provisional Governor was to notify the President, who, after gaining the assent of Congress, was to recognize the new government by proclamation. Then the Senators and the Representatives from the States were to be admitted.

It was the duty of Mr. Davis, as Chairman of the Select Committee on the Rebellious States, to report the bill to the House. The question being on ordering the bill to be engrossed and read a third time, Mr. Davis addressed the House in the speech from which the extract of our text is taken.

The full speech may be found in the *Congressional Globe* for March 22, 1864, and in the *Addresses and Speeches of Henry Winter Davis*, p. 368 (Harper & Bros., 1867).

3. The omitted paragraph is as follows :

"The vote of gentlemen upon this measure will be regarded by the country with no ordinary interest. Their vote will be taken to express their opinion on the necessity of ending slavery with the rebellion, and their willingness to assume the responsibility of adopting the legislative measures without which that result cannot be assured, and may wholly fail of

* This address was written by Mr. Davis. A copy, with reasons for its publication, may be found in the *Speeches and Addresses of Davis*, p. 415.

accomplishment. Their vote will be held to show whether they think the measure now proposed, or any which may be moved as a substitute, is an adequate and proper measure to accomplish that purpose."

4. In the omission Davis confesses that his bill does not appeal for support to "that class of gentlemen upon the other side of the House who look for political alliance with the men who head the rebellion in the South." He claimed that the bill exercised not a revolutionary authority but merely executed the Constitution. The guarantee clause vests in Congress "a plenary, supreme, unlimited political jurisdiction, paramount over courts, subject only to the judgment of the people of the United States, embracing within its scope every legislative measure necessary and proper to make it effectual." "The Constitution not merely confers the power upon Congress, but imposes upon Congress the duty of guaranteeing to every State a republican form of government. In this section from the very nature of the case there can be no limitation. It is intended to meet all the emergencies of the national life." These extracts from the omitted passage indicate the constitutional position which Davis proposed to defend.

5. The brief passage omitted is as follows :

"It is the language of the President of the United States in every proclamation, of Congress in every law on the statute-book, of both Houses in their forms of proceedings, and of the courts of the United States in their administration of the law. It is the result of every principle of law, of every suggestion of political philosophy, that there can be no republican government within the limits of the United States that does not recognize, but does repudiate, the Constitution, and which the President and the Congress of the United States do not, on their part, recognize."

6. In a passage omitted here Davis says :

“The Supreme Court of the United States, in declining jurisdiction of political questions such as these in the famous Rhode Island cases, declared by the mouth of Chief Justice Taney, in the presidency of John Tyler, during the Southern domination, in support of the acts of John Tyler, that a military government, established as the permanent government of a State, is not a republican government in the meaning of the Constitution, and that it is the duty of Congress to suppress it. That duty Congress is now executing by its armies. He further said in that case that it is the exclusive prerogative of Congress—of Congress, and not of the President—to determine what is and what is not the established government of the State ; and, to come to that conclusion, it must judge of what is and what is not a republican government, and its judgment is conclusive on the Supreme Court, which cannot judge of the fact for itself, but accepts the fact declared by the political department of the Government.”

7. In the omission Davis recited the things involved in the duty of guaranteeing a republican government in the Southern States,—“to keep the peace, to administer justice, to watch over the transmission of decedents’ estates, to sanction marriages, in a word to administer civil government until the people reorganize a republican government for themselves.” Davis discusses the condition of the rebellion and the rebellious States at the time of his speech. He recognized that “there was no portion of the rebel States where peace has been so far restored that our military power can be withdrawn for a moment without instant insurrection. There is no rebel State held now by the United States enough of whose population adheres to the Union to be intrusted with the government of the State. One tenth cannot control nine tenths.” There was no State in which there was a sufficient portion of the

population inspired by sentiments of loyalty to the United States which might safely be entrusted with power. "You can get a handful of men in the several States who would be glad to take the offices if protected by the troops of the United States, but you have nowhere a body of independent, loyal partisans of the United States, ready to meet the rebels in arms, ready to die for the Republic, who claim the Constitution as their birthright, count all other privileges light in comparison, and resolved at every hazard to maintain it."

Davis recognized that the masses of the South had, from one motive or another, gone with their States into secession.

8. On this point Davis claimed that his views coincided with those of Mr. Stevens and that they were endorsed in high judicial quarters. He contended that it was never contemplated that the "supreme political power should pass away from the Government of the United States."

9. See Lincoln's message to Congress of December 8, 1863, and his accompanying Proclamation of that date. Lincoln's *Complete Works*, edited by Nicolay and Hay, vol. ii. See also Blaine's *Twenty Years of Congress*, vol. ii., pp. 37, 38.

10. In the published speeches of Davis the following sentences are found at this point: "It may combine ^{all} the population of a State; it may combine one tenth only; or ten governments may come competing for recognition at the door of the executive mansion. The executive authority is pledged; Congress is not pledged."

11. At this point Davis raises the question, "How does the President's plan accomplish the final removal of slavery? How does it reorganize the State governments on the basis of universal freedom?"

12. In a passage of some length omitted here Davis proceeds to discuss the status of the slave under the President's

plan. He contends that that plan would leave the rights of the slave to the jurisdiction of the local courts ; that the freedom of the slave would be a question of personal right not of political jurisdiction. The fate of the slave even in the United States Courts under existing laws is scarcely doubtful. He did not wish to argue the legality of the proclamation, but he wished to make it safe by enacting it into law.

13. In closing his speech Davis contended that "gentlemen must deny the jurisdiction of Congress over the States where there are no recognized governments, or place a bound or limit to the discretion of Congress. He referred to the great argument of Daniel Webster in the Rhode Island case before the Supreme Court of the United States—an argument sustained by the Court—wherein Webster held that changes in State Constitutions are to be made only under the ægis of law, guided by pre-existing political authority. "He maintained it to be the great fundamental principle of the American Government that legislation shall guide every political change, and that it assumes that somewhere within the United States there is always a permanent, organized legal authority which shall guide the tottering footsteps of those who seek to restore governments which are disorganized and broken down."

GEORGE H. PENDLETON.

1. George H. Pendleton was born at Cincinnati, Ohio, July 25, 1825 ; received an academic education ; studied law ; commenced practice in Cincinnati ; was a member of the Ohio State Senate in 1854 and 1855 ; was elected to Congress as a Democrat in 1856, serving until 1865 ; was the Democratic candidate for Vice-President in 1864 on the ticket headed by George B. McClellan. He was United States Senator from

Ohio from 1878 to 1885, and during his senatorial term he distinguished himself as the author and leading advocate of the Civil Service Reform Act of 1883. After the expiration of his senatorial term he was appointed by President Cleveland as Minister to Germany, serving from 1885 to 1888. He died in 1889.

2. See Note 2 on the speech of Henry Winter Davis, p. 451. The first half of Mr. Pendleton's speech, which is not included in our text, consists of an able argument against the Wade-Davis bill, in which he arraigns that measure as a party measure, unconstitutional and revolutionary. The full speech will repay the careful perusal of the student. It may be found in the *Congressional Globe*, First Session Thirty-eighth Congress, part 8, under date of May 4, 1864.

3. Mr. Pendleton here says that this seems to be the view also of Mr. Boutwell, of Massachusetts, who had spoken upon the subject. "He enforces the same position, but he does not use the same language."

4. Following this sentence Pendleton said in closing :

"Sir, if this be the alternative of secession, I should prefer that secession should succeed. I should prefer to have the Union dissolved, the confederate States recognized ; nay, more, I should prefer that secession should go on, if need be, until each State resumes its complete independence. I should prefer thirty-four republics to one despotism. From such republics, while I might fear discord and wars, I would enjoy individual liberty, and hope for reunion on the true principles of confederation. From one strong centralized despotism, overriding the rights of the people, overriding the rights of the States, I can see no escape except in apathetic contentment with slavery, or the oft-repeated, often-failing, always bloody struggles of despairing hope. I would rather live a

free citizen of a republic no larger than my native county of Hamilton, than be the subject of a more splendid empire than a Cæsar in his proudest triumphs ever ruled, or a Napoleon in his loftiest flights ever conceived."

THADDEUS STEVENS.

1. Thaddeus Stevens was born at Danville, Vt., April 4, 1792; graduated at Dartmouth College, and removed to Pennsylvania in 1814; studied law and was admitted to the bar at Gettysburg; was a member of the State Legislature of Pennsylvania in 1833, 1834, 1835, 1837, and 1841, and was a member of the State Constitutional Convention in 1836; removed to Lancaster, Pa., in 1842; was elected to Congress as a Whig in 1848 and re-elected in 1850, serving from March 4, 1849, to March 4, 1853. He opposed the Compromise measures of 1850, especially the Fugitive Slave Law. Stevens practised law at Lancaster from 1853 to 1858, when he was returned to Congress as a Republican. He served continuously as a Representative in Congress from March, 1859, until his death, in Washington, August 11, 1868.

During the last ten years of his life Thaddeus Stevens was one of the Republican leaders in Congress, and during most of that time he was easily first among those leaders. He was a clear, logical, and powerful debater. His powers of oratory, his command over men, his pronounced leadership in the House, earned for him the title of the "great commoner." During his Congressional service he urged upon President Lincoln the policy of emancipation, the arming and enfranchising of the negro, and he led the fight for the reconstruction amendments to the Constitution. He urged the policy of confiscation, and generally advocated the most

vigorous measures in prosecuting the war and in reorganizing the Southern States on the basis of universal freedom. As chairman of the House Committee on Reconstruction he reported the Reconstruction bill of 1867. See p. . On February 24, 1868, he proposed the impeachment of President Johnson and was at the head of the House Committee on the prosecution of the President. Stevens was a man of positive convictions, and he frequently attacked his adversaries with bitter and sarcastic denunciations and taunts. No man was more feared by his opponents. With all his bitterness in political warfare, Stevens was a man of generous impulses and of good will toward his fellow men,—feelings which were manifested in many noble acts of charity. His soul burned with a hatred of tyranny and oppression, and throughout his long life he was a consistent and uncompromising enemy to slavery and to all discriminations in law on account of race or color. He was a powerful friend and advocate of common schools for the masses, and as a member of his State Constitutional Convention in 1836 he refused, on account of his anti-slavery principles, to sign a report which proposed to restrict the franchise to white citizens. Approaching death, “he chose to be buried in a private cemetery, explaining in the epitaph that he prepared for his tomb that the public cemeteries were limited by their charter-rules to the white race, and that he preferred to illustrate in his death the principle that he had advocated throughout his life, ‘of equality of man before his Creator.’” He left a part of his estate to found an orphan asylum, to be open to both white and colored children. See Appleton’s *Cyclopædia of American Biography*; Poore’s *Political Register and Congressional Directory*; Callender’s *Life of Stevens*; Sumner’s “Eulogy on the Occasion of Stevens’ Death,” delivered in the Senate, December 18, 1868, vol. xiii. of Sumner’s *Works*; Forney’s *Reminiscences of Public Men*.

2. After the death of President Lincoln and the accession of President Johnson, the latter continued, in general, the Presidential plan of Reconstruction of which a forecast had been given by Mr. Lincoln. The issue which was raised by the Wade-Davis plan continued to be a subject of division : Was Reconstruction an executive function or a congressional function ? During the summer and fall of 1865 President Johnson, without calling Congress together for consultation and advice, took active and positive measures toward carrying out the Presidential policy. He proceeded upon the theory that every needful act for the restoration of the Southern States could be accomplished by the Executive Department of the Government. On May 29, 1865, President Johnson issued a proclamation of amnesty and pardon to all persons, excepting certain classes, who had participated in the Rebellion. On the same day he issued a proclamation appointing a provisional governor for North Carolina, with directions for the organization of a State Convention and the adoption of a State Constitution. In the other States similar provisional governments were subsequently established, or the " ten per cent." governments established by President Lincoln, were recognized. By the time Congress met in December, 1865, all the Southern governments were in operation under Presidential recognition, and many of their Legislatures had passed oppressive and unjust laws against the freedmen. The necessary guarantees on this and other points had not been secured, according to the opinion of the Republican leaders of Congress. It was evident that the course of the President was dividing the Republican party, and the masses of the party and their radical leaders would not follow him. On the first day of the session of Congress, December 4, 1865, immediately after the election of the Speaker, Thaddeus Stevens offered a resolution providing for a joint committee of fifteen on Reconstruction, nine from the House and six from the Senate, whose duty it should be to inquire into the condition

of the Southern States and report whether any of them were entitled to be represented in either House of Congress. Until such report had been made and finally acted upon no member should be received into either House from any of the so-called Confederate States, and all papers relating to such representation should be referred to the select committee without debate. This resolution was amended by the Senate, and the amendment was accepted by the House, by striking out that portion of it which provided that no member should be received into either House until the report of the committee was acted upon. This was held to conflict with the power of each House to be the judge of its own elections. Upon the submission of the President's message Mr. Stevens offered a resolution providing that so much of it as related to Reconstruction should be submitted to the special joint committee. It was upon this resolution that Mr. Stevens opened the Reconstruction debate with the speech of our text,—one of the longest and most notable debates in the history of Congress. For an account of the Congressional discussions on Reconstruction, see Blaine's *Twenty Years of Congress*, vol. ii., especially chapters 3 and 4; also Cox's *Three Decades of Federal Legislation*, chs. 18-20. See also Lalor's *Cyclopædia of American History and Political Science*, article on "Reconstruction."

3. Stevens at this point adduces authorities to sustain his position that all legal relations between the Federal Government and the seceding States were annulled by the act of war, by the recognition of those States as belligerents. He quotes Vattel, Phillimore, and the decisions of our Supreme Court in certain prize cases during the Civil War.

4. In the omitted passage Stevens asserted that the Southern States were estopped from claiming to be in the Union. As a matter of record they had resolved themselves separated

from the Union. They had maintained this separate position by arms for four years.

"After this, to deny that we have a right to treat them as a conquered beligerent, severed from the Union in fact, is not argument but mockery."

5. He cites a decision of the Supreme Court in the case of *Luther vs. Borden* (7 Howard, 1-42).

6. This proposed amendment, as we know, was never adopted. The Fifteenth Amendment made it unnecessary, in the view of its advocates. The purpose of Stevens' proposition was clearly understood. It was to deprive the lately rebellious States of the unfair advantage of a large representation in the House, based on their colored population, so long as that population should be denied political rights by the legislation of those States. Mr. Blaine pointed out how this change in the basis of representation would affect unjustly and injuriously the Northern States. "For example, California has a population of 358,000, and Vermont, 314,000, and each has three Representatives on this floor to-day. But California has 207,000 voters, and Vermont has 87,000. Assuming voters as the basis of apportionment, and allowing to Vermont three Representatives, California would be entitled to eight." See Blaine's speech on this subject, January 8, 1866, *Congressional Globe*, 39th Congress, Part I., p. 141.

7. This is a fair specimen of Stevens' severity, not to say rancor. The "sentiment of the late Chief Justice" is the saying unfairly attributed to Chief Justice Taney, as the result of his opinion in the *Dred Scott* case, that "the black man has no right which the white man is bound to respect." Stevens was unsparing in his castigation of an opponent while living, as well as in his condemnation of the dead who, in his opinion, had betrayed the cause of the slave.

HENRY J. RAYMOND.

1. Henry J. Raymond was born in Lima, N. Y., January 24, 1820; became a teacher, and fitted himself for college; graduated at the University of Vermont in 1840; removed to New York City, where he was successively connected with *The New Yorker*, *The New York Tribune*, *The New York Courier and Examiner*; was a member of the State House of Representatives in 1850; established *The New York Times* in 1851; was elected lieutenant governor of New York in 1856; was an active and prominent Republican in the campaign of 1860; was elected to Congress from New York as a Republican in 1864, serving from March, 1865, to March, 1867. He died of apoplexy in New York City, June 18, 1869. He published a *Life of Daniel Webster*; *History of the Administration of President Lincoln*; *Life, Public Services, and State Papers of Abraham Lincoln*, and many articles and essays.

2. Raymond was one of the few Republicans who supported the Reconstruction policy of President Johnson. As a follower of Seward he cast his lot with the conservative wing of his party during Johnson's administration, and he became one of the organizers of the National Union Convention which met at Philadelphia in August, 1866, and he was the author of the "Philadelphia Address" to the people of the United States.

In discussing the course of this debate on Reconstruction, Mr. Blaine, in his *Twenty Years of Congress*, says: "Mr. Stevens spoke on the 18th of December, and Congress had already voted to adjourn on the 21st for the Christmas recess. The Administration desired that Mr. Stevens' speech should not be permitted to go unanswered to the country, and thus hold public attention until Congress should reassemble in January. It was important that some response should be made at once; and Mr. Henry J. Raymond, widely known to the political world, but now in Congress for the first time, was selected to make

the reply. . . . On the 21st day of December, the last day before the recess, Mr. Raymond, desiring the floor, was somewhat chagrined to find himself preceded by Mr. Finck of Ohio, a respectable gentleman of the Vallandigham type of Democrat,—representing a political school whose friendship to the Administration at that time was a millstone about its neck. Mr. Raymond followed Mr. Finck late in the day, and could not help showing his resentment that the ground which the Administration intended to occupy should be so promptly pre-empted by the anti-war party of the country. . . . What the Administration, or especially what Mr. Seward desired, and what Mr. Raymond was to speak for, was Republican support; and the prior endorsement of Mr. Johnson's position by the Democracy was a hindrance and not a help to the cause he had espoused. Mr. Raymond's principal aim was to join issue with Mr. Stevens on his theory of *dead States*." (*Twenty Years of Congress*, vol. ii., pp. 131, 132. See, also, Note 2 on the speech of Stevens, p. 460.

3. Mr. Finck of Ohio.

4. In the omission Raymond discusses at some length the legal precedents and decisions which Stevens had brought forth. He is drawn into a controversy by Mr. Kelley, of Pennsylvania.

THADDEUS STEVENS.

1. For sketch of Stevens, see Note 1, p. 458.

2. This speech of Stevens was made on the first of the Military Reconstruction Acts of Congress. We can hardly attempt here even a summary of the events in the history of Reconstruction from the opening of the long debate, in December, 1865, to the introduction of this first Reconstruction

bill. In the history of this period, the following documents, reports, and events deserve the attention of the student : The reports of Carl Schurz and General Grant on the condition of affairs in the lately rebellious States, made from investigation and observation in the summer of 1865 ; the report of the Joint Committee of Fifteen, on June 8, 1866, and their proposal (April 30, 1866) of the substance of the 14th amendment, designed to protect the rights of the freedmen in the South, and to fix the basis of representation in Congress ; the adoption of the 14th amendment by Congress, June 8, 1866, and its rejection by Southern State Legislatures in the latter half of that year ; the creation of the Freedmen's Bureau, March 3, 1865, and the passage, over the President's veto, of the first Civil Rights Bill, April 9, 1866 ; popular approval of the Congressional policy in the Congressional elections of 1866 ; and the Ku-Klux outrages in the South. These events led up to the introduction and passage of the 1st Reconstruction Act. This act divided the Southern States (excepting Tennessee) into five military districts, subject to the military authority of the United States. It provided that when the people of any one of these States "shall have formed a Constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State 21 years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election,"—and when this constitution had been ratified by a majority of the voters of the State and approved by Congress ; and when the 14th amendment had been ratified by the State, the State might be readmitted and declared entitled to representation in Congress. By this measure Congress set aside the Provisional Governments of President Johnson, and took the work of Reconstruction into its own hands.

The first part of Mr. Stevens' speech, not given in our text, reviews the situation and deals especially with the sacred duty of Congress to protect the rights of the freedmen in the South. For a full discussion of the events of this period the student should consult Schurz' and Grant's Reports, 39th Cong., 1st Sess. Senate Ex. Doc. No. 2., pp. 45, 46, 106, 107; Report of the Joint Committee on Reconstruction, 39th Cong., 1st Sess.; found also in McPherson's *Handbook of Politics* for 1866-67-68; Barnes' *History of the 39th Congress*; Wilson's *Rise and Fall of the Slave Power*, vol. iii.; Cox's *Three Decades of Federal Legislation*; Blaine's *Twenty Years of Congress*, vol. ii.; H. A. Herbert's *Why the Solid South*; A. R. Conkling's *Life and Letters of Roscoe Conkling*; Badeau's *Grant in Peace*; G. W. Williams' *History of the Negro Race in America*; Hollister's *Life of Colfax*; Lalor's *Cyclopædia of American Hist. and Political Science*; Larned's *History for Ready Reference and Topical Reading*, vol. v., pp. 3562-3571. The last named volume will be found valuable for a summary of the period by topical readings. The full speech of Stevens may be found in the *Congressional Globe* for January 3, 1867, 2d Sess. 39th Cong., Part I.

3. In the omission here Stevens says: "No State could order the election of members until Congress had ordered a census and made an apportionment. Any exception to this rule has been a work of grace in Congress by passing healing Acts."

4. Stevens here claimed that only executive and judicial power were given to the other departments of the government.

5. Stevens asserted that the President favored exonerating the rebels from all expenses and damages of the war, and opposed indemnifying the loyal people of the South who had been plundered and whose property had been destroyed.

6. Wirz had been held responsible for abuses at Andersonville Prison.

7. Stevens here asserts that any other course than that of providing for fair representation would be "senseless, inconsistent, and illogical."

8. In the omission, Stevens says that the conquered States must be treated as Territories and re-admitted by "enabling acts," with provision against injustice in their organic laws.

9. Stevens concludes his speech with a discussion of "negro equality."

HENRY CLAY.

1. For a brief sketch of Clay, see vol. i., p. 376.

2. "Two circumstances of unusual moment had brought this topic into the foreground: one was the excitement produced by the tariff of 1828, the tariff of abominations in the planting States, and especially in South Carolina where it had assumed the threatening form of the nullification movement; and the other was the fact that the revenue furnished by the existing tariff largely exceeded the current expenditures, and would, after the extinguishment of the national debt, which was rapidly going forward, bring on that bane of good government in a free country, a heavy surplus in the treasury, without legitimate employment. A reduction of the revenue was therefore necessary and lively discussions were going on among the people as to how it should be effected. In September and October large popular assemblies of free-traders had been held. One of their principal spokesmen was the venerable Albert Gallatin, who insisted on lower rates of

duties throughout. The protectionists, fearing lest the reduction of the revenue should injure the protective system, were equally vigorous in their demonstrations."—Schurz' *Life of Clay*, vol. i., pp. 357–8.

Clay recognized the necessity of reducing the revenue, but he was opposed to allowing the "American system" to suffer. He would confine the reduction to duties on articles not coming into competition with our own products. He introduced a resolution in the Senate involving this principle, which led to a general debate upon the tariff. In this debate Clay made two speeches, "one of which took rank among his greatest efforts. Its eloquent presentation of the well-known arguments in favor of protection excited great admiration at the time, and served the protectionists as a text-book for many years" (Schurz). In the debate, assaults had been made upon the whole system of protection and the principle which it involved. Clay believed as he said that "the decision on the system of policy embraced in this debate involved the future destiny of the country. This speech was made in reply to Mr. Hayne of South Carolina and others, and can be found in full in Clay's published *Works*, or in Mallory's *Life and Speeches of Henry Clay*.

In the first part of the speech, which is omitted in the text, Mr. Clay draws a contrast between the prosperous condition of the country following the Tariff of 1824 and the industrial distress which preceded that date ;— " This transformation of the condition of the country, from gloom and distress to brightness and prosperity, has been mainly the work of the American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry." The extent of the system and the multiplied interests involved were also set forth, together with a brief sketch of tariff history from the origin of the system with the first revenue Act of July, 1789.

3. The omitted passage here contains remarks upon the constitutional aspect of the question, Clay urging that constitutional objections had not been seriously thought of prior to 1828-32; also, remarks to show that the system had been beneficial to the Southern and Western sections.

4. Clay here follows with a eulogy on French, German, and Irish immigrants, and then goes out of his way to make an attack on Gallatin, who had recently made a speech at a mass meeting in opposition to the protective system. Clay's personal attack was altogether unjustifiable. It was a politician's unworthy appeal to prejudice. If Gallatin had expressed opinions on the tariff in harmony with Clay's it is not at all probable that the latter would have denounced him in the Senate as "an impertinent foreigner" who should "go home." Gallatin had advocated a gradual reduction of duties to a level of about twenty-five per cent. The year following this speech of Clay, he himself proposed and carried a reduction to a maximum of twenty per cent. For an interesting comment on this, see Schurz' *Life of Clay*, vol. i., pp. 363-365. In this omitted passage Clay also refers to other authorities which had been quoted by his opponents,—a Mr. Sarchet and Lord Goderich.

5. The Treaty of Methuen was made between England and Portugal in 1703. England agreed to admit the heavy wines of Portugal at one third lower rate than the light French wines, while Portugal agreed to import all her woollens from England. —Ploetz' *Epitome of History*, p. 434.

6. This omission includes ten pages of the printed speech as reported by Mallory. In this part of his speech Clay attempts to show that the adoption of free trade would be but the revival of the British Colonial system for America. He then passes to a consideration of the different arguments which

had been urged against the Protective System. These arguments were: 1. The system operates to the injury of the cotton planter, that an import duty is equivalent to an export duty and falls on the cotton grower. 2. We cannot sell to Great Britain unless we buy from her. 3. That South Carolina pays a disproportionate quota of the public revenue. 4. Free trade would augment our exports. 5. The South cannot partake of the advantages of manufacturing, if there be any.

7. Clay, in the omission, asserted that, whereas we were formerly importing cotton cloth from Asia, we are now exporting coarse cottons to that country.

8. In the omission Clay calls attention to the advantages which we possess as a manufacturing people. He names, "water power instead of steam," "the raw material," and "the cheaper labor of females." He then draws a rosy picture of the contented factory women.

9. Clay continued in his argument to show that stimulated production and competition at home tends to lower the price of the protected articles to the consumer.

10. Clay continues in his attempt to show that the low price of cotton was due to its increased production, and he quotes a Southern newspaper in his support.

11. Clay refers at some length to the political excitement and the opposition to the tariff in South Carolina, and he warns the South Carolinians against the spirit of disunion.

FRANK H. HURD.

1. Frank H. Hurd was born in Mt. Vernon, Ohio, December 25, 1841. He was graduated at Kenyon College in 1858, studied law, became County prosecuting attorney in 1863, and

a State Senator in 1866. In 1874 he was elected to Congress from Ohio as a Democrat, and served one term, being defeated in 1876. He was again elected in 1878 and 1882, but was defeated in 1880 and 1886. He was a conspicuous and able advocate of free-trade doctrines. He died on July 10, 1896.

2. On February 18, 1881, the House resolved itself into the Committee of the Whole on the State of the Union for the purpose of considering the agricultural appropriation bill. Mr. Covert proceeded to explain the various items in the proposed appropriations. After Mr. Covert's speech Mr. Hurd sent to the Clerk's desk an amendment providing for the salaries of a statistician and a force of clerks, and that the statistician "shall, under the direction of the Commissioner of Agriculture, ascertain and report to the next regular session of Congress what effect the customs revenue laws of the United States have had heretofore and what effect said laws will, if continued in force, probably have hereafter, on the agricultural interests of the people of the United States; whether the effect of such laws has been to increase or diminish the price of American agricultural products in the markets of foreign countries; whether the effect has been to increase or diminish the price of clothing and agricultural tools and implements in this country; and whether or not the wages of farm laborers and the profits of persons engaged in agricultural pursuits have been in any manner affected by such laws, and if so, in what way and to what extent."

This amendment gave Mr. Hurd the occasion and the text for his speech.

3. Henry George discusses these theories very lucidly in the first two chapters of his *Progress and Poverty*. George refutes the theory that wages are drawn from capital, and maintains that wages are drawn from the products of labor.

JUSTIN S. MORRILL.

1. Justin S. Morrill was born in Stratford, Vermont, April 14, 1810. He received a common school education. He was elected to Congress as a Republican and was repeatedly re-elected, serving in the House from December 3, 1855, to March 3, 1867. He was the author of the "Morrill Tariff" of 1861. He was elected to the United States Senate from Vermont in 1867 and has been continuously a member of that body since. Mr. Morrill has been a member of Congress for over forty years, and though in his eighty-seventh year he is still in the vigorous use of his faculties and performs regularly his full share of the public service. He has been a marked and influential figure in Congressional history. He was again re-elected to the Senate for six more years, on October 21, 1896. If he serves out his term he will have served forty-eight consecutive years in Congress.

2. This speech of Mr. Morrill was made in the Senate, January 28, 1878, on the Bland-Allison act. The Bland free coinage bill named after its author, Mr. Bland, of Missouri, had come to the Senate from the House in November, 1877. It was reported to the Senate with the Allison amendments in December. It was superseded in the Senate discussions by the debate on the Matthews resolutions. The Matthews concurrent resolution passed the Senate, January 25, 1878, and Mr. Morrill opened the debate on the proposed silver bill three days later. (See Introduction, p. 282.) The full speech may be found in the *Congressional Record*, vol. vii., part i. Only a comparatively small part of the speech can be used in our text.

3. The charge of surreptitious and clandestine conduct in connection with the Act of 1873 is still repeated by eminent and respectable advocates of silver coinage. This phase of

the controversy has called out a great deal of discussion, much more than it merits. For evidence in support of the charge, see Senator Stewart's speeches in the Senate in August and September, 1893, and Mr. W. H. Harvey's discussion in the Horr-Harvey Debate. For further matter in refutation of the charge see Senator Sherman's *Recollections*, vol. i., p. 459, *et seq.*

JAMES G. BLAINE.

1. James G. Blaine was born in Washington County, Pennsylvania, January 31, 1830; graduated at Washington College, Pennsylvania; went to Maine, where he became editor of *The Portland Advertiser*, and *The Kennebec Journal*; was a member of the Maine Legislature from 1859 to 1862, serving the last year as Speaker of the House; was elected to Congress in 1862, where he served continuously until 1876, when he was appointed United States Senator from Maine to fill the vacancy occasioned by the resignation of Lot M. Morrill. He was chosen Speaker of the House of Representatives, serving from 1869 to 1875 and his career as Speaker is regarded as one of the most brilliant in the history of the House. Blaine was the central figure in two of the most interesting and dramatic scenes in the history of the House,—one occasioned by his attack on Jefferson Davis when Blaine moved to exempt Davis from a general amnesty bill, another during a personal explanation by Mr. Blaine of some charges brought against him in connection with the Little Rock and Ft. Smith railroad and the "Milligan Letters." Mr. Blaine was a prominent candidate for the Republican nomination for the presidency in 1876 and in 1880; was Secretary of State under President Garfield, was nominated for the presidency in 1884; declined a renomination in 1888, and in spite of his disinclination to become a

candidate he was enthusiastically urged before the Convention of 1892. He died on January 27, 1893.

2. This speech of Blaine's was delivered during the protracted debate in the Senate on the Bland-Allison Act. As between the two parties to the controversy Mr. Blaine stood very positively in favor of a compromise position, a mean between the two extremes, as he claimed. Each party to the long silver struggle has used extracts from this notable speech of Mr. Blaine's to sustain its contention.

3. The fourth point which Mr. Blaine discussed was the injustice which would be done by the coinage of the dollar of $412\frac{1}{2}$ grains to the holders of the paper currency of the country. Over \$700,000,000 of this currency were in the hands of the people and it had been promised that these notes, then worth about 98 cents, should be made as good as gold.

4. The eighth division of his subject presented by Mr. Blaine related to the Government's obligations to public creditors, involved in the pledge of 1870 to pay the bonds in coin. The difference in the relative price of gold and silver in 1878 was due, Mr. Blaine thought, partly to the rise of gold, partly to the fall of silver. A standard silver dollar of 425 grains would offer fair payment to the bondholder. Mr. Blaine then went on to propose a substitute for the bill before the Senate. The compromise substitute contained the following provisions:

1. That the dollar shall contain 425 grains of standard silver, shall have unlimited coinage, and be an unlimited legal tender.

2. That all the profits of coinage shall go to the Government, and not to the operator in silver bullion.

3. That coin certificates be issued for silver coin or silver bullion, thus providing a larger convenient paper currency.

Mr. Blaine recognized that his compromise had no chance

of acceptance but he wished to put himself on record against either extreme, against either the gold standard or the silver standard. He contended for what he thought was safe bimetallism.

JOHN SHERMAN.

1. John Sherman was born at Lancaster, Ohio, May 10, 1823; he received an academic education; studied law, and was admitted to the bar in 1844; was a delegate to the national Whig conventions of 1848 and 1852; presided over the first Republican convention in Ohio in 1855. Was a Representative in Congress from March 4, 1855, to March, 1861, and was the Republican candidate for Speaker in the winter of 1859-60; was elected to the Senate in 1861 to succeed Salmon P. Chase, and was re-elected in 1866 and 1872; served as Secretary of the Treasury under President Hayes from 1877 to 1881; was re-elected to the Senate to succeed Allen G. Thurman, and took his seat March 4, 1881, and was re-elected in 1886 and 1892; was President of the Senate from December 7, 1885, till February 26, 1887. His term of service will expire March 3, 1899. (See *Congressional Directory* of the Fifty-fourth Congress.)

2. See Note 2 on the speech of Senator Jones, p. 476.

3. Mr. Sherman here inserts a table showing the different kinds of currency and the amount of each in circulation in 1890.

4. Following Mr. Sherman's speech is a letter from Mr. George S. Boutwell, Secretary of the Treasury, under date of April 23, 1870, relative to the preparation of the bill which was finally passed as the Mint Act of 1873. A full account of the passage of that Act is then given. At the conclusion of Mr.

Sherman's speech, Senator Teller, of Colorado, followed with a few remarks in answer. See *Congressional Record*, vol. xxi., pp. 6043-45. See, also, Senator Sherman's *Recollections*, vol. ii.

JOHN P. JONES.

1. John P. Jones, Senator from Nevada, was born in Herefordshire, England, in 1830, and was brought by his parents to this country when he was less than a year old. The family settled in northern Ohio, and young Jones attended the public schools of Cleveland. In the early part of the California excitement he went to that State and engaged in mining; was a member of the California State Senate; went to Nevada in 1867; was elected to the United States Senate as a Republican, taking his seat March 4, 1873, and was re-elected for the successive senatorial terms beginning in 1879, 1885, and 1891. His term will expire March 3, 1897.

Senator Jones was a member of the Congressional Commission appointed to investigate the matter of coinage, which made the notable report of 1877. He was one of the representatives of the United States, appointed by President Harrison, to the Brussels International Monetary Conference of 1892. In politics Mr. Jones renounced the Republican party in 1894, and became a Populist. He has devoted years of his life to the study of monetary problems, and is recognized by men of all parties as one of the ablest advocates of the free coinage of silver.

2. This speech was made during the Senate debate preceding the enactment of the Sherman Act of July 14, 1890. Secretary Windom in his report of December, 1889, recommended the purchase of silver bullion and the issue of treasury notes receivable for public dues, and payable on demand in

gold or in silver bullion at the current market rate, and that the coinage of silver dollars under the act of 1878 should cease. On January 28, 1890, Senator Morrill introduced a bill involving this plan. This, after reference to the Committee on Finance, was reported back by Senator Jones of Nevada, with amendments. The first section of the amended bill authorized the Secretary of the Treasury to purchase \$4,500,000 worth of silver bullion each month, and to issue in payment therefor treasury notes receivable for customs and all public dues, and when so received they might be reissued. "In the progress of the debate on this bill," says Senator Sherman, "every question connected with the financial operations of the government for twenty years was introduced and made the subject of debate, and especially the coinage act of 1873 and the dropping of the old silver dollar from coinage."* The speeches of Senators Jones and Sherman, which are contained in our text, were delivered during this debate. After these speeches were delivered a similar bill to the one before the Senate came from the House, differing mainly in making the proposed treasury notes a full legal tender. The House bill was substituted for the one before the Senate, and it was during the discussion that Senator Plumb, of Kansas, proposed an amendment providing for the free and unlimited coinage of silver. The free coinage bill passed the Senate. It was in the committee of conference between the Senate and House that the Sherman Act of 1890 was finally evolved. See Introduction to Section IX., p. 284.

3. In the omitted passage Mr. Jones considers the argument that renewed silver coinage might bring us to a silver basis, and thus throw us into the class of semi-barbarous nations.

4. In the battle of the standards Senator Jones uses the

* *Autobiography of John Sherman*, vol. ii., p. 1063.

striking allegory of the clocks to illustrate the character of the contentions of the gold standard advocates.

5. The full text of this speech, a labored argument occupying many pages of printed matter, may be found in the *Congressional Record*, vol. xxi., p. 2875, under date of June 4, 1890.

GEORGE WILLIAM CURTIS.

1. George William Curtis was born in Providence, R. I., February 24, 1824. He attended school at Jamaica Plains, Massachusetts. He removed to New York with his father in 1839, and was for a year engaged in mercantile pursuits. After some time spent in agricultural pursuits with his brother, he became a member of the Brook Farm Community in Massachusetts, in 1842. In 1846 Mr. Curtis went abroad, living for some time in Italy and Germany, and travelling in Egypt and Syria. Returning to America in 1850, he became one of the editorial staff of the *New York Tribune*. He became one of the editors of *Pulnam's Monthly* in 1852. In 1856 the ownership of this magazine passed to the firm of Dix, Edwards & Co., and Mr. Curtis put some money into the business and became a general partner. In 1857 the firm failed, and Mr. Curtis, in order to protect the creditors, assumed a large indebtedness for which he was not legally bound. For nearly twenty years he labored incessantly to pay this sum, devoting to this purpose his earnings on the lecture platform. He early gained a reputation as a popular orator, and he entered with fervor into the anti-slavery contest, speaking for the Republicans in the canvas of 1856. His oration of that year on "The Duty of the American Scholar to Politics and the Times," is a fine specimen of political oratory, and has become historic.

In 1852 Mr. Curtis began, as editor of *Harper's Monthly*, the series of papers known as the "Editor's Easy Chair." From 1857 until his death he was the leading editor of *Harper's Weekly*, and his ability and the high political ideas which he upheld gave that journal a national influence.

Mr. Curtis was repeatedly a delegate to National Republican conventions; but in 1884, after sitting in the Convention which nominated Mr. Blaine for the presidency, he refused to support the nominee. In his later years Mr. Curtis was prominent as an advocate of Civil Service Reform. In 1871 he was appointed by President Grant one of a commission to draw up rules for the regulation of the Civil Service. As president of this commission he did most of its work and prepared its reports to President Grant. For several years before his death he was President of the National Civil Service Reform Association, and was for years the recognized leader of that cause. Many of his notable public addresses were on this and kindred political themes, and no man has done more than Mr. Curtis in suggesting to young Americans worthy and noble ideals in politics. He was also greatly interested in educational problems, and for several years was Chancellor of the University of the State of New York. His death occurred at Staten Island, N. Y., August 31, 1892. Mr. Curtis was the author of *Lotus Eating*, *Potiphar Papers*, *Prue and I*, *Trumps*, etc. His Orations and Addresses have been published in three volumes, under the editorship of Mr. Charles Eliot Norton.

2. The address referred to was delivered in New York before the American Social Science Association, in October, 1869. See *Orations of Curtis*, vol. ii., p. 1.

3. This refers to the assassination of President Garfield, who died ten days after this address was delivered.

4. Francis Granger, of New York.

CARL SCHURZ.

1. Carl Schurz was born in Liblar, near Cologne, Prussia, March 2, 1829; was educated in the gymnasium of Cologne and the University of Bonn; was editor of a paper identified with the Revolution of 1848; entered the revolutionary army and took part in the defence of Rastadt, after which he fled to Switzerland; resided in Paris and London for three years, where he was a teacher and correspondent; came to America in 1852; resided three years in Philadelphia, and then settled in Watertown, Wisconsin; in 1854-60 he aroused public attention by addresses in opposition to the ideas and policy of Douglas; took a prominent part in the campaigns of 1856 and 1860, on behalf of the Republican party; was selected by Mr. Lincoln in 1861 as Minister to Spain, which position he soon resigned; was a brigadier-general of volunteers during the Civil War, taking part in the battles of Chancellorsville, Gettysburg, and Chattanooga; after the war he was appointed a commissioner to visit the Southern States and report upon the affairs of the Freedmen's Bureau, and he made a notable report of conditions in the South; in 1865 and 1866 he was Washington correspondent of the *New York Tribune*, and was subsequently connected with the press in Detroit and St. Louis; was elected as a United States Senator from Missouri as a Republican, serving from March 4, 1869, to March 3, 1875; opposed some of the chief measures of President Grant's administration, and was one of the prominent organizers of the Liberal Republican Party in 1872, supporting Horace Greeley for the presidency; returned to the Republican party in 1876, and was appointed by President Hayes Secretary of the Interior. He introduced competitive examinations for appointments into the Interior Department, and effected various reforms in the Indian Service. At the close of President Hayes' term, Schurz became an independent in politics, sup-

porting Mr. Cleveland for the presidency in 1884. He became a pronounced and influential advocate of Civil Service Reform, and upon the death of Mr. George William Curtis in 1892 he was elected President of the National Civil Service Reform League. Among Schurz' more celebrated speeches are "The Irrepressible Conflict" (1858); the "Doom of Slavery" (1860); "The Abolition of Slavery as a War Measure" (1862); "Eulogy on Charles Sumner" (1874); his speeches in the Senate on Reconstruction, against the annexation of Santo Domingo, and on the currency and the national banking system; and his later speeches on the currency and on Civil Service Reform.

See Appleton's *Cyclopædia of American Biography*; Poore's *Political Register and Congressional Directory*.

2. In introducing this address Mr. Schurz referred to the fact that this meeting of the National Civil Service Reform League was the first annual convention of the League which had been held in the Mississippi Valley. The sentiment for Civil Service Reform, however, was very strong in the West.

3. This refers to the assassination of Mayor Harrison, of Chicago, and of a judge in Tennessee, by disappointed applicants for place.

4. In the omitted passage Mr. Schurz makes objection to the four-years-term law, and shows from recent electoral experience that the patronage of office has not been a source of strength to the party in power. "The bestowal of every office as a favor makes one ingrate and ten enemies." He then criticises some recent action of public officials for using offices as party rewards, and proceeds to trace at length recent evidences of progress in Civil Service Reform.



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